

**IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

CA 162/2011

KALUTARA H.C. NO. HC 359/94

S.T.E. Silva

Appellant

Vs.

Hon. Attorney General
Attorney General's Department
Colombo 12.

Respondent

CA 162/2011

KALUTARA H.C. NO. HC 359/94

BEFORE: Sisira De Abrew, J. &
P.W.D.C. Jayathilake, J.

COUNSEL: Tenny Fernando for the Accused-Appellant.
Chetiya Gunasekera SSC for the State.

**ARGUED &
DECIDED ON:** 07.08.2013.

Sisira De Abrew, J.

Learned Counsel for the Accused-Appellant after arguing the case makes an application to withdraw the appeal. Application for withdrawal of the appeal is allowed. Appeal is dismissed.

This is a case of rape. The facts of this case may be briefly summarized as follows:

The accused-appellant, around 5.00 p.m. on the day of the incident, came to the house of the prosecutrix looking for her husband. When he found that the husband was not at home he dragged the prosecutrix to a room in the house and raped her. At the time of the incident he was armed with a knife. According to the prosecutrix, the accused-appellant, on seeing her husband coming, fled from the place. Before he did so he threw Rs. 200/- to the table of the house. Soon after the incident the prosecutrix

complained the incident to her husband and thereupon both of them went and lodged a complaint to the police station. The accused-appellant denied the incident but admitted that at the time of rape he came to the house of the prosecutrix. When we consider the facts of this case, we are of the opinion that the prosecution has proved the case beyond reasonable doubt. Therefore the conviction of the accused appellant by the learned High Court Judge is, in our opinion, right. We affirm the conviction and the sentence. We direct the Prison Authorities to implement the sentence from the date of this judgment (today).

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

P.W.D.C. Jayathilake, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.