

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

C.A. Appeal No.219/2007
H.C.Colombo No.134/00

Kodithuwakku Arachchilage Ariyadasa
No:77,
Pokunugoda Road,
Mulleriyawa North,
Angoda.

Appellant

Vs.

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

Respondent

C.A.Appeal No.219/2007

H.C.Colombo No.134/00

Before : **Sisira J. de Abrew, J. &
P.W.D.C. Jayathilake, J.**

Counsel : Janaka Amerasinghe with Nihara Randeniya for the Prince
for the Accused-Appellant.
Dappula de Livera DSG for A/G.

Argued &

Decided on : 12.11.2013

Sisira J. de Abrew, J

The accused-appellant in this case was convicted for committing grave sexual abuse on a girl named Rani Perera who is under 16 years of age and was sentenced to a term of 12 years rigorous imprisonment, to pay a fine of Rs.10,000/- carrying a default sentence of six months imprisonment and to pay a sum of Rs.50,000/- as compensation to the victim carrying a default sentence of 2 years rigorous imprisonment.

Being aggrieved by the said conviction and the sentence the accused-appellant has appealed to this Court. According to the facts of this case the

accused-appellant has inserted his erected penis to the anus of the victim girl. At the time of the incident the victim was 11 years old.

Learned Counsel for the accused-appellant after arguing the case for two days makes an application to withdraw the appeal. The application for the withdrawal of the appeal is allowed.

Learned Counsel makes an application to reduce the sentence and back date the sentence from the date of the conviction.

On the question of the sentence both Counsel were heard. We have gone through the facts of this case and have considered the submissions of both parties. We are of the opinion that term of 12 years rigorous imprisonment is reasonable. But we are of the opinion that the compensation ordered by the learned trial Judge is inadequate. We set aside the compensation of Rs.50,000/- ordered by the learned trial Judge and order the accused-appellant to pay sum of Rs.100,000/- carrying a default sentences of 2 years rigorous imprisonment.

We direct the Prison Authorities to implement the sentence form the date of conviction (05.04.2007). The appeal of the accused-appellant is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

KLP/-