

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

CA 60/2011

Ratnapura HC 79/70

Hidallage Upali Wickramaratne.

Appellant

Vs.

Democratic Socialist Republic of Sri Lanka

Respondent

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

Counsel : Dharshana Kuruppu for the Accused-Appellant.
Varunika Hettige SSC for A/G.

Argued &

Decided on : 18.11.2013

Sisira J. de Abrew, J

Heard both counsel in support of their respective cases.

The accused-appellant in this case was convicted for the offence of attempted murder and was sentenced to a term of 08 years rigorous imprisonment and to pay a fine of Rs.7500/- carrying a default sentence of 1 year 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 when the victim Surabial was walking along the road, the accused-appellant had came and attacked him with a club.

There was a land dispute between two families. On the day of the incident, the victim was waiting for arrival of the police jeep on a complaint made by him.

Learned Counsel appearing for the accused-appellant submits that he does not challenge the conviction. We have gone through the facts of this case. According to the evidence given by the victim he was unable to attend to his profession. He says that he develops pains in the leg and some times suffered from faint feeling. When we consider all these matters we feel that the sentence imposed by the learned trial Judge is reasonable. We affirm the conviction and the sentence. However we direct the Prison Authorities to implement the sentence from the date of conviction (22.02.2011) The appeal of the 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/-