

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

**C.A. Appeal No 219/2011**

H.C.Panadura No 2380/2007

W.A. Satison Fernando  
No: 209,  
Moratuwa.

**APPELLENT**

**Vs.**

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

**RESPONDENT**

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

Counsel : Tenny Fernando for the Accused-Appellant.  
Kapila Waidyaratne DSG 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 of the murder of a man named Kingsly Perera and was sentenced to death. He was also convicted for the offence of causing simple hurt to Ramani Padmalatha who is the wife of the deceased person and was sentenced to a term of 1 year rigorous imprisonment. Being aggrieved by the said conviction and the sentences he has appealed to this Court.

Facts of this case are briefly summarized as follows:- On the day of the incident around 1 a.m. the deceased person and his wife woke up as they heard a door being opened. Both of them went out to see what the noise was. Wife of the deceased person came back to the room as she could not see anything. But

her husband did not come with her. Just then she heard two people talking outside the house. She tried to go out but could not open the door. However with the help of the son, she opened the door. When she opened the door she saw the accused-appellant attacking her husband who was lying fallen on the ground with an iron rod. Most of the injuries were on the head. In order to prevent the husband being attacked she held on to the club which was being used by the accused-appellant. As a result of the attempt she too sustained a contusion. Medical evidence supports the fact that she sustained a contusion which could have been caused with an iron rod. According to the medical evidence there were 24 injuries on the body of the deceased person. Most of them were on the face and the head. Her son Madushanka Perera too gave evidence describing the attack. The investigating police officer, in consequence of the statement made by the accused-appellant, recovered the iron rod. Government Analyst confirms that there was human blood on the said iron rod. The accused-appellant in his dock statement took up an alibi. But this defence of alibi was not suggested to the eye witnesses. Therefore the learned trial Judge was correct when he rejected the defence of alibi. Soon after the incident, the wife of the deceased person took her husband to the hospital in a three wheeler and thereafter went to the police station. She made a complaint to the police around 1.10 a.m. Thus her evidence satisfies the test of promptness. The fact she was present at the scene and saw the incident is amply corroborated by the fact that she sustained an injury. When we consider the number of injuries and the

place where the injuries were caused it is very clear that the accused-appellant had entertained murderous intention at the time of the incident. When we consider all these matters, we are of the opinion that the prosecution has proved its case beyond reasonable doubt. Learned trial Judge was right when he convicted the accused-appellant for the offence of murder and causing simple hurt to Padmalatha.

We see no reason to interfere with the judgment of the learned Trial Judge. For the above reasons, we affirm the conviction, death sentence and the punishment imposed on the accused-appellant on Count No.2. We dismiss the appeal.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

KLP/-