

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

C.A.No.310/09

H.C.Polonnaruwa No.392/2006

Sinnathambi Amarasingham
No: 25,
2nd Step,
Old Millana,
Dimbulagama.

Appellant

Vs.

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

Respondent

C.A.No.310/09

H.C.Polonnaruwa No.392/2006

Before : Sisira J de Abrew,J. Acting (P/CA) and
P.W.D.C.Jayathilaka,J.

Counsel : Tenny Fernando for the Accused-Appellant.
H.I.Peiris SSC for A.G.

Argued and

Decided on : 02.12.2013

Sisira J de Abrew,J.Acting (P/CA)

Accused-Appellant is present in Court produced by the Prison Authorities.

Heard both counsel in support of their respective cases.

The accused-appellant in this case was convicted of the murder of his own child named Amarasinghege Visandika and was sentenced to death. Six year old child of the accused-appellant has given evidence and stated that the accused-appellant took the child who was on the floor and dashed her on the floor. Accused-appellant again dashed the child on the floor. In his dock statement he has admitted that when he was lifting the child, she fell on the ground. But according to the medical evidence there was a depressed fracture. Learned trial Judge has considered his dock statement

and the evidence led at the trial and had come to the conclusion that the dock statement cannot be believed. In our view the dock statement cannot be believed when we consider the medical evidence and that the dock statement is not even capable of creating a reasonable doubt in the prosecution case. In these circumstances, we hold that the learned trial Judge was right when he convicted the accused-appellant for the offence of murder. We hold that there is no merit in this appeal and we affirm the conviction and the sentence.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

P.W.D.C.Jayathilaka,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-