

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

Liyana Pedilage Sirisena alias Sira.

Accused-Appellant

C.A.NO. 157/2011

H.C. Kegalle No. 2500/2006

Vs.

Hon. The Attorney General

Respondent

BEFORE : SISIRA J. DE ABREW, J (ACTING P/CA) &
P.W.D.C.JAYATHILAKA, J.

COUNSEL : Dr. Ranjit Fernando for the Accused-
Appellant.

Dileepa Peiris SSC for the Respondent.

ARGUED AND

DECIDED ON : 23rd January, 2014.

SISIRA J. DE ABREW, J.(ACTING P/CA)

Accused-appellant produced by the Prison Authorities is present in court.

Heard both counsel in support of their respective cases.

The accused-appellant in this case was convicted for the offence of grave sexual abuse on a girl named Nadeesha Maduwanthi and was sentenced to a term of 10 years rigorous imprisonment and to pay a

fine of Rs. 50,000/- as compensation to the victim carrying a default sentence of 12 months imprisonment. Being aggrieved by the said conviction and the sentence he has appealed to this court.

Learned Counsel for the accused-appellant does not challenge the conviction. He submits that the sentence imposed by the learned trial Judge is excessive. According to the facts of this case, the accused-appellant on several occasions committed grave sexual abuse on the girl. According to the short history given, in the Medico Legal Report the accused-appellant used to lay on the ground and get the victim girl to sit on his private part area touching a girl's private part on his male organ. At the time of the incident, he was a 59 year old man. Both Counsel admit that the accused-appellant is now 70 year old man. Considering all these matters, we hold that the sentence imposed by the learned trial Judge is excessive. We therefore, set aside the sentence of 10 years rigorous imprisonment and sentence him to a term of 5 years rigorous imprisonment.

We do not interfere with the compensation ordered by the learned trial Judge. We direct the Prison Authorities to implement the sentence from the date of sentencing by the learned trial Judge. Subject to the

above variation of the sentence, appeal of the appellant is dismissed.
The learned High Court Judge is directed to issue a fresh committal.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

P.W.D.C.JAYATHILAKA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=