

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

Dhanapala Mudiyanseelage Upul Chandana alias  
Meepaname Ukkun

Accused-appellant

Vs.

C.A. 291/12

H.C. Monaragala Case No. 37/2008

The Republic of Sri Lanka

Respondent

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

Counsel : Ranjith Meegaswatte for the accused-appellant  
Haripriya Jayasundera, DSG for the A.G.

Argued &

Decided on : 13.02.2014

Sisira J. de Abrew,J.

Heard both counsel in support of their respective cases.

The accused-appellant in this case was convicted for raping a girl named Ratnayake Mudiyansele Pushpalatha and was sentenced to a term of 15 years rigorous imprisonment and to pay a fine of Rs. 10,000 carrying a default sentence of one year rigorous imprisonment and to pay a sum Rs. 200,000/- as compensation to the victim carrying a default sentence of 2 years rigorous imprisonment. Being aggrieved by the said conviction and sentence he has appealed to this court.

Learned counsel for the accused-appellant submits that he does not challenge the conviction. He makes an application to reduce the sentence. He submits that the accused-appellant at the time of the incident was 18 year old boy. He further submits that the hymen of the victim girl had not been ruptured as a result of the rape. We note that the girl was, at the time of the incident, 14 year old girl. According to the facts of this case when the victim girl on the day of the incident around 6.30 a.m. went to a nearby well to wash her face, the accused-appellant came, put her on the ground, lowered her panty, put soil in her mouth and raped her. According to the medical evidence, there were two contusions and one laceration in the vagina. There were injuries on the face as well. The girl soon after the incident has complained to her aunt. Thereafter the said aunt and Kamalawathie who is the cousin sister of the victim girl went to

question the accused-appellant to the compound of the accused-appellant. Thereafter the accused-appellant armed with an axe came to attack them. When we consider the facts of this case, we hold the view that we should not interfere with the sentence imposed by the learned trial Judge. We affirm the conviction and the sentence.

Learned counsel makes an application to implement the sentence from the date of sentence.

We direct the Prison Authorities to implement the sentence from the date of sentencing by the learned trial Judge. We dismiss the appeal.

*Appeal dismissed.*

ACTING PRESIDENT OF THE COURT OF APPEAL

PWDC Jayathilaka,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-