

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

CA 100/2012

HC-Anuradhapura-48/2011

Sachintha Nandan Madiwanan
Jaffna.

Petitioner

Vs.

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

Respondent

CA 100/2012

HC-Anuradhapura-48/2011

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

Counsel : Dr. Ranjit Fernando for Accused
Appellant
Dilan Rathnayake, SSC for AG

Argued &

Decided on : 25.02.2014

Sisira 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 for being in possession of a suicide jacket. He was convicted on his own plea. He was sentenced to a term of 7 years Rigorous Imprisonment. Learned counsel for the accused appellant makes an application to get a token reduction of the sentence and also to backdate the sentence from the date of sentencing by the learned High Court Judge. Learned counsel submits that at the time of the incident he was 25 years old young man and without wasting the time of court he has pleaded guilty.

Learned Senior State Counsel submits that according to the facts of the case the sentence should not be reduced. But he however submits that he has no objection to the backdating of the sentence. When we consider the offence with which he was convicted, we are of the opinion that the sentence imposed by the learned trial judge should not be reduced. The Accused appellant has not been released on bail. Both counsel admit this fact.

Considering all these matters, we refuse to reduce the sentence. However, we direct the Prison Authorities to implement the sentence from the date of sentencing by the learned High Court Judge.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-