

IN THE COURT OF APPEAL DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA

C.A No. 75/2013

H.C. Chilaw No. HC 74/2002

R.A. Piyal Jayaweera
Tekkahena Road,
Digan Wewa,
Bangadeniya.

Appellant

Vs.

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

Respondent

C.A No. 75/2013

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H.C. Chilaw No. HC 74/2002

Before : **A.W.A. Salam, J. (P/CA) &**
P.W.D.C. Jayathilake, J.

Counsel : Dinusha Medagoda for the Accused-Appellant.
Wasantha Bandara A.S.G. for the A.G.

Argued &

Decided on : 16.07.2014.

A.W.A. Salam, J.(P/CA)

Learned Counsel for the accused-appellant states that he does not wish to pursue this appeal but requests Court to consider backdating the sentence. Learned Additional Solicitor General states that he is not agreeable to the sentence being backdated for the reason that the accused has previously been found guilty of a similar offence had been visited with a term of imprisonment for 2 years suspended for 15 years which sentence also has been directed to be enforced in this case.

We have taken into consideration the submissions made on behalf of both parties. The accused in any event has been on remand from the date of the imposition of the sentence. As the freedom of movement of the accused had been in fact restrained from the date of the imposition of the sentence and that he has decided to withdraw this appeal without wasting the precious time of this Court, we consider it is appropriate to date back the sentence from the date of imposition. Therefore, the sentence imposed on the accused is backdated to take effect from 28th March 2013.

Application for withdrawal of the appeal is allowed
and ✓
subject to the above / Appeal dismissed.

PRESIDENT OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL.

/mds