

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

CA 214/2013

HC-Colombo-4346/08

D. Kalum Indika
Pitigala

Appellant

Vs.

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

Respondent

CA 214/2013

HC-Colombo-4346/08

Before : **H.N.J. Perera, J. &**
P.W.D.C. Jayathilake, J.

Counsel : Amila Palliyage for Accused
Appellant
Anoop de Silva, SSC for AG

Argued &
Decided on : 16.12.2014

H.N.J. Perera, J.

Counsel for the Accused Appellant in this case submits to Court that he will confine this appeal only to that part of the order of learned High Court Judge dated 11.09.2013 implementing the suspended sentence which had been imposed on the accused appellant in case No.788/07 of High Court, Kalutara. In the said case, the accused appellant had been convicted on two counts. On the first count, the accused was imposed 6 months Rigorous Imprisonment and on the second count, he was imposed 18 months Rigorous Imprisonment. The Court has proceeded to suspend the said terms for 20 years from date of conviction namely 2728.11.2012. In this case, the accused appellant pleaded guilty to the four charges and had been sentenced

accordingly. The said offences were committed by the accused appellant on 13.11.2004. Therefore, the counsel for the accused appellant submits to court that the offences committed by the accused appellant in this case are outside of operational period stated in the case No. HC 788/07 and it does not apply in case NO HC 788/07. The said offences had been committed much prior to the date of conviction of the said case 788/07 namely 13.11.2004.

Therefore, we set aside that part of the order made by the learned High Court Judge implementing the suspended term imposed by the High Court Kalutara case No. 788/07. The sentences imposed by the learned High Court Judge on count 1,2,4,6 in the present case should stand. Counsel for the accused appellant moves that the said date of implementation of the sentences in this case be implemented from the date of conviction of this case namely 11.09.2013. Learned State Counsel has no objection to this application.

Therefore, we direct that the sentences imposed on the accused in this case be implemented from the date of conviction namely 11.09.2013.

Subject to the said variation, this appeal is dismissed.
Registrar is directed to issue a fresh committal
accordingly.

JUDGE OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-