

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

CA. No. 276/2013

H.C.Colombo No.3737/07

K.B.A. Nihal
No: 228,
Batuwatte,
Ragama.

Appellant

Vs.

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

Respondent

C.A.No.276/2013

H.C.Colombo No.3737/07

Before : H.N.J.Perera J. &
K.K.Wickremasinghe,J.

Counsel : Niranjan Jayasinghe for the Accused-Appellant
Shanil Kularatne SSC for the A.G.

Argued and

Decided on : 02/07/2015.

H.N.J.Perera,J.

Accused - Appellant present in Court produce by the Prison Authorities.

At this stage counsel for the accused-appellant states that he will confine this appeal to the sentence imposed by the learned High Court Judge. The Counsel for the accused-appellant submit that the accused-appellant is 48 years of age with two children and considering the fact that, Counsel for the accused-appellant is not canvassing the conviction in this case, moves the court to direct that the sentence

imposed on two counts to run concurrently. Learned High Court Judge has sentenced the accused-appellant on the 1st count to two years rigorous imprisonment and on the 2nd count to five years rigorous imprisonment. Learned Counsel for the Respondent leaves the sentence in the hand of this Court. After considering the facts and submissions made by the counsel for the accused-appellant we direct that the sentenced of the accused-appellant imposed by the learned High Court Judge should run concurrently. We also direct that the sentence imposed on the accused-appellant to be implemented from the date of conviction namely 26/9/2013. The fine and the compensation ordered by the learned High Court Judge should stand. Subject to the said variation in the sentence the appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

K.K.Wickremasinghe,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-