

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

CA 152/2014
HC- Galle-2779/06

N.W. Piyasena
Baddegama.

Appellant

Vs.

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

Respondent

CA 152/2014

HC- Galle-2779/06

Before : **H.N. J. Perera, J. &**
K.K. Wickramasinghe, J.

Counsel : Asela de Silva for Accused Appellant
Kapila Waidyaratne, DSG for AG

Decided on : 21.07.2015

H.N.J. Perera, J.

At this stage, counsel for the Accused Appellant submits to Court, that he will confine this appeal to the sentence imposed on the Accused Appellant and moves the Court to consider the fact that the evidence led in this Court established that the Accused Appellant had acted under sudden provocation and that the deceased was mainly responsible for this incident.

Counsel further states that the Accused Appellant is 65 years of age and that he has no previous convictions. The learned High Court Judge has sentenced the Accused Appellant for 10 years Rigorous Imprisonment. Taking into consideration the facts and circumstances of this case and the submissions made by the counsel for the Accused Appellant, we are of the view that a

term of 8 years should be substituted under the circumstances of this case.

Therefore, we substitute a term of 8 years Rigorous Imprisonment on the Accused Appellant and on the application of the counsel for the Accused Appellant further direct that the said sentence be implemented from the date of conviction namely 19.02.2014. The fine ordered by the learned High Court Judge to stand.

Subject to the above variations of the sentence the appeal is dismissed.

Learned High Court Judge is directed to issue a fresh committal accordingly.

JUDGE OF THE COURT OF APPEAL

K.K. Wickramasinghe, J.

JUDGE OF THE COURT OF APPEAL

LA/-