

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

CA.No. 164/2011
HC. Kalutara No. HC 237/03

Udatiyawalage Chaminda Kumara Udatiyawala
Duwegoda, Payagala.

Accused - Appellant

Vs.

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

Respondent

CA 164/2011

HC-Kalutara-237/2003

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

Counsel : Dr. Ranjit Fernando for the Accused-
Appellant
Jayantha Jayasuriya, ASG for Ag

Decided on : 29.07.2015

H.N.J. Perera, J.

Counsel informs court that he moves to withdraw this appeal and to consider backdating the sentence imposed on the accused appellant under Section 359 of the Criminal Procedure Code.

Counsel submits that the Accused Appellant was only 20 years at that time of the incident and have no previous convictions. After taking into account the facts and submissions made by the counsel for the Accused Appellant, we are of the view that there are reasons to act under 359 of the Criminal Procedure Code and backdate the sentence from the date of the conviction.

Therefore, after considering the submissions and facts of this case, we direct that the sentence imposed by the learned High Court Judge on the Accused Appellant be implemented from the date of conviction namely 22.11.2015.

As per the directions, appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

K.K. Wickramasinghe, J.

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-