

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

**C.A. No: 128/2011**

H.C. Vavuniya No: 1961/07

Madiyabaranam Neshakandan,  
118/3, Konikal Road,  
Vavuniya

**Accused-Appellant**

**-Vs-**

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

**Respondent**

C.A. No: 128/2011

H.C. Vavuniya No: 1961/07

Before : Vijith K. Malalgoda, PC.J. (P/CA)

H.C. J. Madawala, J.

COUNSEL : Accused-Appellant is absent and  
unrepresented.

Sudharshana De Silva SSC. for the A.G.

DECIDED ON : 27.07.2015

Vijith K. Malalgoda, PC. J. (P/CA)

The Accused-Appellant in this case, one Mahiyabranam Nesakandan is indicted before the High Court of Vavuniya for criminal intimidation on the learned District Judge, Vavuniya for a charge punishable under Section 486 of the Penal Code. The Accused Appellant is absent right throughout this case and this court on numerous occasions since May,2012 has sent notices to get him down but he has not responded to the said notices. Therefore we decides to consider this matter and take a decision. Learned Senior State Counsel appearing for the Attorney General has submitted the facts of this case before this Court. We have carefully gone through the said material submitted by the learned Senior State Counsel and we found that there is no material before us to conclude, that the

decision of the learned High Court Judge is erroneous. Therefore we have no reason to interfere with the decision of the learned High Court Judge. The Learned High Court Judge convicted the accused appellant and sentence him for a two years Rigorous Imprisonment which was suspended for a period of 10 years. While imposing the said sentence, the learned High Court Judge was mindful of the fact that the Accused-Appellant had a clear record before, and also the fact that he was in remand for period of one year pending the trial before the High Court. We see no reason to interfere with the said conviction and sentence and, we therefore dismiss this appeal.

Appeal dismissed.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. Madawaqla, J.

I agree

JUDGE OF THE COURT OF APPEAL

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