

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

C.A.255/2013

H.C. Ampara Case No. 1534/2012

K.D. Lakshman

Appellant

Vs.

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

Respondent

C.A.255/2013 : H.C. Ampara Case No. 1534/2012

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

Counsel : Dr. Ranjit Fernando for the Accused-Appellant
D. Warnakula, S.S.C. for the A.G.

Argued &

Decided on : 31.08.2015

H.N.J. Perera,J.

Counsel for the Accused Appellant informs Court that he will confine this appeal to the sentence imposed on the accused-appellant by the learned High Court Judge. Counsel for the appellant submits to Court that the facts indicate that this incident had taken place outside the school premises and that violence had been caused to the victim in this case. He further submits that the accused is

.presently 47 years of age married person and that he moves court to consider back dating the sentence from the date of conviction.

Learned counsel for the respondent has no objection to the said application and leaves the sentence in the hands of Court.

After considering the facts and circumstances of this case, and the fact that the accused has no previous convictions, his age and that he has no pending cases and no violence had caused to the victim in this case and further that it had happened outside the school premises, we set aside the sentence of 10 years rigorous imprisonment imposed by the learned High Court Judge and substitute term of 7 years rigorous imprisonment on the accused appellant. Fine imposed on the accused appellant by the learned High Court Judge and the sentence imposed in lieu of the said fine, one year simple imprisonment should stand. Further the accused has been directed to pay one lakh as compensation to the victim. We substitute term of one year simple imprisonment in lieu of the said compensation.

Subject to the above variation 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.

I agree

JUDGE OF THE COURT OF APPEAL

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