

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

**C.A. No.256/2009**

H.C. Panadura 1685/2003

M.D. Jayasinghe  
Udaha Urugala,  
Ingiriya.

**Appellant**

**Vs.**

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

**Respondents**

**C.A. No.256/2009**

**H.C. Panadura 1685/2003**

Before : Vijith K.Malalgoda, P.C. J (P/CA) &  
H.C.J. Madawala, J

Counsel : Tenny Fernando for the Accused  
Appellant.

Rohantha Abeysuriya ,D.S.G., for  
the A.G.

Decided on : 03.09.2015.

**Vijith K.Malalgoda, P.C. J (P/CA)**

In this case the Accused-Appellant was indicted before the High Court of Panadura for the murder of one Handuwalage Premawathie. At the conclusion of the trial the learned High Court Judge convicted the Accused-Appellant for culpable homicide not amounting to murder on the basis of sudden fight. Counsel for the Accused Appellant at this stage informs that he has instructions to withdraw this appeal. But he makes an application under Section 359 of the Criminal Procedure Code to effect the sentence from the date of conviction. Learned Deputy Solicitor General appearing for the Respondent has no objection for the above request.

Considering submissions made by the Counsel, we make order to implement the sentence already imposed, i.e. a period of 10 years rigorous imprisonment from the date of conviction that is from 26.10.2009.

Subject to the above variation the appeal stands dismissed.

JUDGE OF THE COURT OF APPEAL

**H.C.J.Madawala, J.**

JUDGE OF THE COURT OF APPEAL

LWM/-