

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

**C.A 134/2014**

H.C. Gampaha Case No: 332/2006

R.J.M. Prabath Jayaweera  
No:88/4,  
Galenda,  
Radawadunna.

**Appellant**

**Vs.**

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

**Respondent**

**C.A 134/2014.**

**H.C. Gampaha Case No: 332/2006.**

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

Counsel : Sunil Premadasa for the Accused-Appellant.  
Anoopa de Silva S.SC for the State.

Accused-Appellant is present in Court produced  
by the Prison Authorities.

Argued &

Decided on : 20.10.2015.

**H.N.J. Perera, J.**

Counsel for the Accused-Appellant moves to withdraw this appeal and invites this court to act under Section 359 of the Criminal Procedure Code. He moves that the sentence be backdated to take effect from 22<sup>nd</sup> August 2014. He further submits that the accused appellant has no previous conviction and he is married and having one child and he is about 29 years of age. Learned Senior State Counsel has no objection to this application. Considering the submissions of the counsel we allow the application of withdrawal and dismissed the appeal whilst backdating the sentence to take effect from 22.08.2104.

Subject to the variation of the date of implementation of the sentence, the appeal is dismissed.

Appeal dismissed.

**JUDGE OF THE COURT OF APPEAL**

**K.K.Wickremasinghe, J**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Vkg/-