

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

CA/ HC/36/2009

Welmillage Don Ann Devika Sanjeevani

Accused - Appellant

Vs.

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

Respondent

C.A. 36/2009 : H.C. Colombo Case No. HC 4271/08.

Before : P.R. Walgama, J. &
K.K. Wickramasinghe, J.

Counsel : Anuja Premaratne with G.L. Perera for the Accused-
Appellant

A. Jinasena, SDSG for the State

Argued &

Decided on : 27.10.2016

P.R. Walgama, J.

Counsel for the accused-appellant informs Court that the Accused-Appellant was charged for procurement, in terms of Section 360 (a)(1) of the Penal Code. From the year 2005 this matter had been argued till 2009, before several benches and subsequently postponed on various reasons that on various occasions and a point of law is being argued before the Supreme Court now. In the circumstances, specially considering the time period he further states that he is instructed to withdraw this appeal and moves this Court to act under Section 359 of the Code of Criminal Procedure Act and back date the sentence to the date of the judgment, and all other sentences imposed by the High Court Judge to stand.

Counsel for the Respondent informs Court that the State has no objection to the application made on behalf of the Appellant provided that the fine of Rs.

5,000/- and the compensation amounting to Rs. 100,000/- that was awarded to the victim be paid by the Appellant forthwith. Further, counsel for the Respondent has no objection for the back dating of the sentence.

Accordingly, the sentence is back dated and as per submissions made by both counsel, application for withdrawal is allowed. Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

K.K. Wickramasinghe,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-