

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

CA 103/2011

Sesathpura Dewage Jayantha Kumara
Mudaliyawela,
Ilippadeniya.

Accused - Appellant

Vs.

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

Respondent

Case No: 103/2011

BEFORE : Deepali Wijesundera, J. &

L.U. Jayasuriya, J.

COUNSEL : Anil Silva, PC with S. Kulathunga for the 1st accused-appellant.

Hiranjan Peiris, DSG for the State.

ARGUED &

DECIDED ON: 17.10.2016

Deepali Wijesundera, J.

This is a case where the accused-appellant has been convicted for abduction and rape under Section 354 and 364(2)(d) of the Penal Code.

The Counsel for the accused-appellant submits that in this case accused-appellant was convicted on the 16.11.2016 and has been imposed a sentence of 12 years rigorous imprisonment. He has already spent 5 years in remand custody. In the circumstances counsel for the accused-appellant has explained the facts to the accused-appellant and if this court permits to

back date the sentence to the date of conviction namely 16.09.2011 the accused-appellant is agreeable to withdraw his appeal.

Learned Deputy Solicitor General appearing for the State informs Court that he has no objection to this application. Therefore application of the accused-appellant is allowed. Sentence is back dated to 16.09.2011 which is the date he was convicted.

Subject to the above terms appeal is dismissed.

JUDGE OF THE COURT OF APPEAL.

L.U. Jayasuriya, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

NR/-