

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

Siriwardena Gedera Hemachandra,
No:41,
Ma Watura,
Gampola.

ACCUSED-APPELLANT

C.A. NO:259/2014

HC COLOMBO HCB 1817/09

Vs.

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

RESPONDENTS

BEFORE: P.R. Walgama, J. &
K.K. Wickremasinghe, J.

COUNSEL: Tenny Fernando for the Accused-Appellant.
Wasantha Perera, SSC for the Respondent.

DECIDED ON: 20.10.2016.

P.R. Walgama, J.

Learned Counsel for the accused-appellant submits that in this matter the accused-appellant has been charged for soliciting and accepting Rs. 3000/- from one Achini Priyantha and he has been convicted upon after the trial and he has been sentenced for three years rigorous imprisonment for each count on 10.06.2014 and moves Court to consider to make the sentences to run concurrently and to back date the sentence from the date of conviction acting under Section 359 of the Criminal Procedure Code.

The learned Senior State Counsel submits that after the trial the learned High Court Judge has convicted him for all the counts but only sentenced on 1st and the 3rd counts and he has not imposed a sentence on 2nd and the 4th counts. Since the alleged offence has been committed in 2007, State has no

objection for making the two sentences to run concurrently and to back date the sentence.

As submitted by the Counsel for the accused-appellant this Court is inclined to vary the sentence of 3 years on each count 1 & 3 to run concurrently, and the sentence is back dated to the date of conviction. The Senior State Counsel has no objection for the said application. Accordingly, the above sentence is varied to run concurrently and the sentence is back dated from the date of conviction. The fine and the penalty imposed by the learned High Court Judge will stand as it is.

JUDGE OF THE COURT OF APPEAL.

K.K. WICKREMASINGHE, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.