

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

**CA 101/2016**

HC-Kurunegala-127/07

L.G. Indika Rathnasiri  
Heenapalla,  
Alutwewa,  
Dematuluwa.

**APPELLANT**

**Vs.**

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

**RESPONDENT**

CA 101/2016

HC-Kurunegala-127/07

Before : **Deepali Wijesundera, J. &**  
**L.U.Jayasuriya, J.**

Counsel : Kumar Dunusinghe for the Accused Appellant  
Thusith Mudalige, DSG for AG

Argued &

Decided on : 28.07.2017

**Deepali Wijesundera, J.**

Accused Appellant was indicted under Section 296 of the Penal Code for the murder of one Nihal Edirisinghe and after trial he was convicted for culpable homicide not amounting to murder under Section 297 of the Penal Code. He was sentenced to 10 years Rigorous Imprisonment and a fine of Rs. 50,000/- was imposed with a default term of one year. Counsel for the Accused Appellant informs court that he is not canvassing the conviction and only canvassing the sentence.

We heard both counsel in support of their applications. The learned DSG has no objections to the sentence being varied.

Considering the evidence and the submissions made, we decide to reduce the sentence to 8 years Rigorous Imprisonment. The other

conditions, that are the fine will remain as it is. The conviction of 8 years Rigorous Imprisonment will commence from the date of conviction which is 29.06.2016.

Subject to the above variations, this appeal is dismissed.

**JUDGE OF THE COURT OF APPEAL**

**L.U. Jayasuriya, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

LA/-