

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

Court of Appeal Case No. 187/2016

Warnakulasuriya Christie Merryl,
Illanthadiya,
Norochochulai.
(Presently serving sentence)

1ST ACCUSED-APPELLANT

Vs.

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

RESPONDENT

HC (Puththalam)37/2007

CA187/2016

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

Counsel : Anil Silva PC with Salinda for the
Accused-Appellant
Lakmali Karunanayake SSC
for the Respondent.

Decided on : 03.08.2017

Deepali Wijesundera, J

Appellant along with two others were indicted in the High Court of Puththalam for the murder of Warnakulasuriya Peduru Thisera under section: 296 read with section: 32 of the Penal Code. They were also indicted under section: 300 of the Penal Code for attempting to murder Warnakulasuriya Petersincho Thisera. After trial 2nd and 3rd accused were acquitted on both counts. 1st accused has been convicted for culpable homicide not amounting to murder under section: 397 of the Penal Code and also for the 2nd count and sentenced to 11 rigorous imprisonment for the 1st count and three years rigorous imprisonment for the 2nd count, he was also ordered to pay a fine of Rs.5000/- with a default term of 6 months and he was ordered to paid Rs.25, 000 to the injured person as compensation.

Considering the written submissions filed by both parties and also evidence given at the trial court, it is evident that there has been a sudden fight between the parties and that the deceased person was also responsible for the incident.

Ms. Lakmali Karunanayake, Senior State Counsel informs court that she is not objecting to the learned President's Counsel Mr. Anil Silva's application to reduce the sentence given by the High Court. Considering the evidence we decide to reduce the sentence for the 1st charge to five years rigours imprisonment and to reduce the sentence for the 2nd charge to one year rigours imprisonment. The fine and the compensation ordered will remain as it is.

Subject to the above variations, the appeal is dismissed.

Judge of the Court of Appeal

L.U. Jayasuriya, J

I agree

Judge of the Court of Appeal

Na/-