

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

C.A. No: 160/12

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

Complainant

Vs.

Wijamunige Themaris

Accused

And now between

Wijamunige Themaris

Accused-Appellants

Vs.

Attorney General,
Attorney General's Department,
Colombo 12

Complainant- Respondent

CA 160/2012.

High Court of Embilipitiya Case No:HCE 28/2010

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

Counsel : Nissanka Nanayakkara P.C with Yasas de Silva for the
Accused-Appellant.
H.I. Peiris D.S.G for the Respondent.

Decided on : 26.09.2017.

Deepali Wijesundara, J.

The Accused –Appellant was indicted in the High Court of Embilipitiya under Section 365 2 (B) (2) of the Penal Code for grave sexual abuse. After trial he has been convicted on the 1st and 2nd counts and acquitted on the 3rd count. He was given a jail term of 15 years Rigorous Imprisonment with a fine of Rs. 5000/- for each counts.

Counsel for the Accused –Appellant informs court that they are only contesting the sentence and not the conviction. Learned Deputy Solicitor General informs court that he has no objection to the sentence being reduced.

After considering the evidence and the gravity of the offence, we bring down the sentence to 7 years of rigorous imprisonment and order the Appellant to pay Rs. 100,000/-to the victim with the default terms of six months rigorous

imprisonment. Fine ordered by the learned High Court Judge will remain as it is.

Subject to the above variation, we affirm the judgment of the Learned High Court Judge.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

L.U. Jayasuriya, J

I agree.

JUDGE OF THE COURT OF APPEAL.

Vkg/-.