

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

**CA HC - 46 / 2017**

W.S.Arunasiri  
No. 62,  
Gangoda wewa ,  
Diulankadawala.

**Accused-Appellant**

**Vs.**

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

**Complainant-Respondent**

C.A. No.46/2017

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H.C. Polonnaruwa Case No.58/2009

BEFORE

:

S. DEVIKA DE L. TENNEKOON J AND

S. THURAIRAJA PC J

COUNSEL

:

Srinath Perera PC for the Accused-Appellant

D. S. Soosaitas SSC for the AG

ARGUED AND

DECIDED ON

:

26.09.2017

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**S. THURAIRAJA PC J**

The accused-appellant is present in Court produced by the Prison Authorities represented by President's Counsel Mr. Srinath Perera.

Learned President's Counsel for the accused-appellant moves the Court that he may be permitted to withdraw this appeal with an application under Section 359 of Criminal Procedure Code to implement the sentence from the date of conviction namely, 16.03.2017. The accused-appellant present in Court confirms the application. Senior State Counsel says that he has no instructions since this is the first date of mention. The Court allows the accused-appellant to withdraw the application. Appeal is dismissed.

We act under Section 359 of the Criminal Procedure Code and direct the Prison Authorities to implement the sentence from the date of

conviction namely, 16.03.2017 since the accused-appellant is incarcerated from the date of conviction.

We direct the Registrar to return the case record to the Registrar of the High Court of Pollonnaruwa.

JUDGE OF THE COURT OF APPEAL

**S. DEVIKA DE L. TENNEKOON J**

I agree.

JUDGE OF THE COURT OF APPEAL

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