

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

**Court of Appeal case no : CA HC 198/2014**

M.Rajarithnam

**Complainant**

**Vs.**

Hon Attorney General  
Attorney General's Department  
Colombo 12

**Respondents**

C.A. No. 198/2014

H. C./NE/CR/013/2010

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

Counsel : Indika Mallawarachchi for the Accused-Appellant.  
Jude Nanayakkara, S.S.C., for A.G.

Argued &  
Decided on : 23.10.2017.

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Deepali Wijesundera, J.

Counsel for the Appellant informs Court that they are only contesting the sentence and not the conviction and moves that the sentence be back dated to the date of imposing of the sentence. State Counsel informs Court that he has no objection to this application.

Appellant was sentenced to 6 months R.I. under section 297 and 315 read with Section 32 of the Penal Code. After trial the accused was convicted and sentenced to 15 years R.I. and a fine of Rs. 5000/= was ordered with a default term of 3 months for the 1<sup>st</sup> charge and for the 2<sup>nd</sup> charge he was convicted and

sentenced to one year R.I. and a fine of Rs. 1000/= was ordered with a default term of 3 months. Considering the application of the appellant and the evidence, since the appellant has been convicted and sentenced under Section 297 of the Penal Code, we decide to back date the sentence of the accused-appellant. The sentence should operate from the date of conviction that is 10.11.2014. Subject to the above variation the judgment dated 10.11.2014 is affirmed. Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

L.U. Jayasuriya, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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