

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

Court of Appeal case no : CA HC 265 /2016

R.R.Nishantha Lenora

565 A

Kuruduwattha

Warahena

Benthota

Complainant

Vs.

Hon Attorney General

Attorney General's Department

Colombo 12

Respondents

C.A. 265/2016

HC Panadura case No: 2593/2009

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

Counsel : Amila Palliyage for the Accused-Appellant.
Anoopa de Silva SSC. for the respondent.

Argued &

Decided on : 16.10.2017

Deepali Wijesundera,J.

Accused-Appellant in this case was charged under Section 298 and 329 of the Penal Code. After trial he was sentenced to two years imprisonment with a fine of Rs.10,000/- with a default term of 08 months imprisonment for the 1st charge and 10 months imprisonment for the 2nd charge.

Counsel for the Accused-Appellant informed Court that he is not contesting the conviction but only the sentence.

Senior State Counsel, Anoopa de Silva informed Court that she has no objections for the sentence to be varied.

Considering the evidence of this case, we decide to vary the sentence and the jail term ordered for the 1st charge which is suspended for 5 years. The fine will remain as it is.

The sentence for the 2nd charge is suspended for 5 years.

Subject to the above variation the judgment of the High Court is affirmed.

Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

L.U. Jayasuriya, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-