

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

Court of Appeal case no : CA HC/268/2013

J.A.P.Shanthapriya Jayakodi
50/7B,
2nd Lane,
Koolwaththa,
Weyangoda

Petitioner

Vs.

Hon Attorney General
Attorney General's Department
Colombo 12

Respondents

BEFORE : Deepali Wijesundara, J &
L. U. Jayasuriya, J

COUNSEL : Dr. Ranjith Fernando for the Accused – Appellant.
A. Navavi, SSC for AG.

ARGUED &

DECIDED ON : 14. 11. 2017

Deepali Wijesundara, J

Learned Counsel for the Accused Appellant, Dr. Ranjith Fernando says that,

It is respectfully submitted to Court that the Accused Appellant seeks the benefit under Section 303, (07) & (08) of the Criminal Procedure Act amended by Number 47/ 1999 read together with the effect of Section 19 of Minutes of Pensions as amended by gazette number 414 of 08th August, 1986.

It is further respectfully begged of Court considering his age and unblemished service record of over 20 years that the operational period of the noncustodial sentence be made effective from the date of conviction and Sentence, namely 18.09.2013. And finally Court may permit to withdraw this appeal under Section 359 of the Criminal Procedure Code.

Senior State Counsel informs Court that he has no objection for back dating the Sentence.

Considering the application of the Appellant, the Court decides to back date the operational period of the suspended Sentence to 17.09.2013. Application made under 359 of the Criminal Procedure Code is allowed. Appeal stand dismissed.

JUDGE OF THE COURT OF APPEAL

L. U. Jayasuriya, J

I agree

JUDGE OF THE COURT OF APPEAL

YD/-