

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

Court of Appeal Case No : CA HC/73/2014

A.M.Nazar.
Makulithuwa,
Chaina Bay.

Petitioner

Vs.

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

Respondents

CA 73/2014

HCEP /2068/02(T)

**BEFORE: S. DEVIKA DE L. TENNEKOON, J. &
S. THURAIRAJA, P.C. J.**

COUNSEL: Sharon Serasinhe for the Accused-Appellant
P. Kumararatnam DSG for Attorney General.

DECIDED ON: 24.11.2017.

S. THURAIRAJA, P.C. J.

Accused-Appellant is present in Court produced by the Prison Authorities.

The Counsel for the Accused-Appellant moves Court to withdraw the appeal. The Accused-Appellant present in Court informs in person that he wants to withdraw his appeal. Learned Deputy Solicitor General has no objections for the withdrawal. The Counsel for the Accused-Appellant submits that this incident had happened before the amendment to the Penal Code namely 22 of 1995. Therefore, the sentence is legal and moves the sentence to be implemented from the date of conviction. State has no objections for implementing the sentence from the said date. Accordingly, the application to withdraw the appeal is allowed and we direct the Prison Authorities to implement the sentence from the date of conviction namely

17.07.2014. Registrar is hereby directed to transmit the case record to the High Court of Trincomalee forthwith.

JUDGE OF THE COURT OF APPEAL

S. DEVIKA DE L. TENNEKOON, J.

I agree

JUDGE OF THE COURT OF APPEAL

Mm/-.