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

Court of Appeal Case No : CA HC/294/2013

K.M.Ariyapala.

Warunagama,

Wellawaya.

Petitioner

Vs.

Hon Attorney General.

Attorney General's Department,

Colombo 12.

Respondents

BEFORE   :   S. Devika de L. Tennekoon, J

                                 S. Thurairaja, P. C, J

COUNSEL   :   Palitha Fernando, P. C. with Thanul Sandaruwan

                                 for the Accused Appellant.

                                 Wasantha Perera, SSC for the Respondent.

ARGUGED &

DECIDED ON :   05.12.2017

S. Thurairaja, P. C, J

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

The Counsel Mr. Palitha Fernando, President's Counsel who is appearing for the Accused Appellant made submission and states that he wishes to inform the Court that the Accused Appellant was given 5 years rigorous imprisonment on each count, and the Judge had ordered to implement the sentences consecutively, Totalling to 20 years rigorous imprisonment. He submits that the Accused-Appellant was convicted on one act, technically 4 offences. The Counsel moves to withdraw the appeal against the conviction and make an application to reconsider the sentence and to make the sentences to be implemented concurrently.

Senior State Counsel Mr. Wasantha Perera has no objection to this application.

We consider the submissions of both Counsels and decide to affirm the sentence on Count Number 1, 2, 3 & 4. Further, considering all circumstances, we direct the Prison Authority to implement the sentence concurrently. Further, it is brought to the notice of Court that the Accused Appellant was incarcerated from the date of conviction. Therefore, we direct the Prison Authorities to implement the sentence concurrently from the date of conviction namely, 27.09.2013.

Appeal partly allowed. Fine will remain as it is. If the fine is not paid, default sentence will be implemented consecutively.

JUDGED OF THE COURT OF APPEAL

S. Devika de L. Tennekoon, J

I Agree.

JUDGED OF THE COURT OF APPEAL