

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

Court of Appeal Case No : CA HC/256/2014

Nissanka Aratchchige Jayatilaka

Petitioner

Vs.

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

Respondents

C.A. 256/2014 : HC Colombo Case No. 4308/2008

Before : Deepali Wijesundera,J.

L.U. Jayasuriya,J.

Counsel : R. Arseculeratne,P.C. for the Accused-Appellant

Anoopa de Silva, SSC for the Respondent

Decided on : 19.01.2018

Deepali Wijesundera,J.

The Accused-Appellant has been indicted in the High Court of Colombo under Section 364(1) of the Penal Code (as amended) for committing rape. After trial he has been convicted for seven years rigorous imprisonment and a fine of Rs. 5000/- had been imposed with a default term of three months. He has also been ordered to pay Rs. 100,000/- as compensation to the victim with a default term of six months.

Counsel for the Accused-Appellant informs Court that he wishes to withdraw this appeal and moves that the sentence be back dated to the date of conviction.

Learned Senior State Counsel informs Court that she has no objection to this application.

Considering the offence and the sentence in this case, we decide to grant the application of the Appellant.

The conviction is affirmed and the sentence is affirmed. The sentence should start to operate from the date of conviction i.e. 25/04/2014.

Subject to the above variation, the sentence is affirmed and the appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

L.U. Jayasuriya,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-