

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

IN THE MATTER OF AN APPEAL AGAINST  
AN ORDER OF THE HIGH COURT UNDER Sec.  
331 OF THE CODE OF CRIMINAL PROCEDURE  
ACT NO 15 OF 1979

CA NO: 97/09

HCT/ Trincomalee Case No: 231/2007

Udaha Meegas Kumbure Gaedara Sarath  
Kumara

**(Accused - Appellant)**

Vs

The Hon. Attorney General

Attorney General's Department

Colombo 12

**(Complainant - Respondent)**

**CA 97/2009**

**HC TRINCOMALEE CASE NO. HCT/231/2007**

**BEFORE** : **Deepali Wijesundara, J &  
Achala Wengappuli, J.**

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

**COUNSEL** : A.S.M. Perera PC with Shashika Silva for the Accused –  
Appellant.  
P.Kumararatnam DSG, for the AG.

**DECIDED ON** : 2018.06.05.

**Deepali Wijesundara, J**

The appellant was indicted in the High Court of Trincomalee for the charge of rape punishable under Section 364 (2) of the Penal Code. After trial he was convicted and sentenced to 20 years rigorous imprisonment and a fine of Rs.25000/- was imposed with a default term of one year. He was also ordered to pay Rs. 500,000/- as compensation to the victim with a default term of 5 years. The learned President's Counsel informed court that he is only contesting

the sentence and not the conviction. After considering evidence and the submissions made by both parties, we decide to vary the sentence.

Considering the length of time the Appellant has spent in Prison, we decide to affirm the conviction and vary the sentence.

Sentence for the charge is brought down to 15 years rigorous imprisonment but the fine and the compensation will remain as it is with the default terms.

The Sentence should start from the date of conviction which is the 23.06.2009.

Default terms should run concurrently with the sentence. Under the above variation in the sentence, the judgment of the High Court Judge is affirmed and the appeal is dismissed.

**JUDGE OF THE COURT OF APPEAL**

**ACHALA WENGAPPULI, J**

I agree

**JUDGE OF THE COURT OF APPEAL**

NW/-

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