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

In the matter of an Application for Revision under and in terms of the Article 138 of the Constitution read together with the Section 365 of the Code of Criminal Procedure Act No: 15 of 1979 against the sentencing order dated 29.09.2020 by the   Hon. High Court of Colombo.

Court of Appeal Case No:CPA 89/2021.

High Court of Colombo Case No:HC 105/2017

The Democratic Socialist Republic of Sri Lanka.

Complainant.

Vs.

Mohamed Nilam Mohamed Sameer.

Accused.

And Now Between

Mohamed Nilam Mohamed Sameer

(Currently incarcerated in Prison Custody)

Accused –Petitioner.

Vs.

The Hon. Attorney General

Attorney General's Department

Colombo 12.

Complainant-Respondent.

BEFORE   :   HON. JUSTICE MENAKA WIJESUNDERA
                           HON. JUSTICE NEIL IDDAWALA

Counsel   :   I.B.S Harshana for the Accused – Petitioner.

                           Ridma Kuruwita SC for the Complainant – Respondent.

Argued & Decided on   : 09.05.2022

MENAKA WIJESUNDERA, J.

The Counsel appearing for the Accused – Petitioner states that he is not challenging the conviction but he is only challenging the sentence and he is seeking   a variation in the sentence. State Counsel has no objection for the said submissions.

Having heard both parties, this Court observes that there has been three counts, for each count, the learned High Court Judge has imposed two years rigorous imprisonment to be spent consecutively. As such this Court varies the sentence with regard to all three counts and impose on each count two years rigorous imprisonment to be spent concurrently. The rest of the sentence remains the same. Subject to the said variation the instant application for revision is dismissed.

       The Court further states that the sentence to operate from the date of the conviction which is 29.09.2020. Subject to the above variation the instant application for revision is dismissed. The Registrar of this Court is directed to convey this order to the relevant High Court.

                                        JUDGE OF THE COURT OF APPEAL.

NEIL IDDAWALA, J.

     I agree.

                                          JUDGE OF THE COURT OF APPEAL.

Vkg/-