

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST 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 10.02.2020 by the Hon. High Court of Colombo.

Court of Appeal Case No:CPA 90/2021.

High Court of Colombo Case No:HC 106/2017

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 Petitioner states that he is not canvassing the conviction in this matter but only the sentence in the order dated 10.02.2020. State Counsel appearing for the Attorney General is not objecting for the same.

Having considered the submissions of both parties, this Court notes that the Petitioner has been indicted for three counts and for each count 10 years rigorous imprisonment has been ordered to be spent consecutively. But this Court decides to vary the same and order the sentence of 10 years rigorous imprisonment for each count is to be spent concurrently. The rest of the sentence remains the same. The date of sentence is to operate from the date of conviction which is 10.02.2020. Subject to the above variation the instant application for revision is dismissed. The Registrar of this Court is directed to inform the relevant High Court.

JUDGE OF THE COURT OF APPEAL.

NEIL IDDAWALA, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Vkg/-