

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

In the matter of an appeal made under section 11 of the High Court of the Provinces (special provisions) Act No. 19 of 1990 against an order of the High Court of Nuwara Eliya made under Article 139 of the constitution of the Democratic Socialist Republic of Sri Lanka.

Court of Appeal Case No. CA (PHC) 185/2017

H.C. Nuwara Eliya Case No. 24/17 (Revision)

M.C. Hatton Case No. 8871

Officer-in-charge

Police Station

Hatton

**(Prosecution)**

Vs

Muthulingam Gobinath

Wanarajah Estate

Dickoya.

**(Accused)**

**AND NOW BETWEEN**

Muthulingam Gobinath

Wanarajah Estate

Dickoya.

**(Accused-Petitioner-Appellant)**

Vs

1. The Officer-in-charge

Police Station

Hatton.

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

**(Prosecution-Respondents-Respondents)**

**Before:** Menaka Wijesundera, J.  
Neil Iddawala, J.

**Counsel:** Selvaraja Dushyanthan for the Accused-Petitioner-Appellant  
Chathurangi Mahawaduge, SC for the State

**Decided on:** 18.05.2022

**Menaka Wijesundera, J.**

The instant application has been filed to revise the order dated 22.11.2017 in which he has dismissed the revision application filed by the appellant. The revision application in the High Court has been filed to revise the order of the Magistrate dated 27.06.2017 in which the Magistrate has found the Accused-Appellant guilty of the charge and has imposed six months rigorous imprisonment and a fine of Rs. 1000/- in default one month simple imprisonment.

The Counsel appearing for the appellant states that he is only canvassing the sentence to be varied. The State Counsel although not objecting for the said application brought to the notice of this Court that the injured had been assaulted with a coconut scraper and he has sustained injuries to his nose.

Considering the submissions of both parties, this Court decides to suspend the six months rigorous imprisonment to five years and to award compensation to the victim namely Rasalingam Vaseekaran of Rs. 15,000/- in default one month rigorous imprisonment.

Subject to the said variation the instant application for revision is dismissed.

**JUDGE OF THE COURT OF APPEAL**

**Neil Iddawala, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

Mm/-