

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

In the matter of an Appeal under an in terms of the  
Section 331 of the Code of Criminal Procedure Code.

High Court of Colombo  
Case No. B 40/2017

Director General  
Commission to investigate allegations of  
Bribery or Corruption  
Colombo 7.

**COMPLAINANT**

Court of Appeal  
Case No. HCC 183/19

Vs.

1. IrugalBandaralageNishantha Pradeep Bandara

**ACCUSED**

AND NOW BETWEEN

1. IrugalBandaralageNishantha Pradeep Bandara

**ACCUSED APPELLANT**

Vs.

Director General  
Commission to investigate allegations of  
Bribery or Corruption  
Colombo 7.

**RESPONDENT**

**Before:** MenakaWijesundera, J.  
Neil Iddawala, J.

**Counsel:** Nalin Ladduwahetty, P.C. with KavithriUbeysekera and RajithSamarasekea for  
the Accused-Appellant

Dilan Ratnayake, SDSG for the Respondent

**Decided on:** 01.09.2022

**Menaka Wijesundera, J.**

Accused-Appellant is produced in Court via zoom platform by the Prison Authorities.

The learned President's Counsel appearing for the Accused-Appellant making his submissions, and while drawing our attention to certain factors in the evidence and the law pertaining to the same he pleaded that if the sentence is varied and reduced that he is not contesting the conviction, mainly because the father of the appellant is almost dying and is very anxious to see the appellant before his death.

The learned Senior Deputy Solicitor General appearing for the respondents urged that he can always support the conviction and the sentence but in view of the humanitarian grounds urged by the Counsel for the appellant that he will not be a Shylock (in his own words) but would concede for a reduction in the sentence to run concurrently.

As such upon consideration of submissions of both parties and on the agreement of both appearing for the Appellant and the Respondents, the conviction of the learned High Court Judge is affirmed but the sentence is varied as follows.

The sentence of charges 11 and 12 are reduced from 5 years each to 4 years each, and the sentences are to run concurrently, and the date of sentence to operate from 18.07.2019. The rest of the sentence remains the same including the fine and the default sentence if any.

Subject to the above variation the appeal is dismissed.

The learned President's Counsel makes an application for this order to be conveyed to the Welikada Prisons by way of fax. The Registrar is ordered to do so and the Appellant is to bear the cost.

**JUDGE OF THE COURT OF APPEAL**

**Neil Iddawala, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

Mm/