

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

In the matter of an application
under Article 138 of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.

Democratic Socialist Republic of
Sri Lanka.

Court of Appeal Case No:
CA / HCC/0015 / 2021

Plaintiff

High Court of Panadura Case No:
HCC 3863 / 2019

Vs.

Jayasinghe Tharindu Prasad
Jayasinghe

Accused

AND NOW

Jayasinghe Tharindu Prasad
Jayasinghe

Accused – Appellant

Vs.

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

Plaintiff – Respondent

Before: Menaka Wijesundera J.

B. Sasi Mahendran J.

Counsel: Dr. Sunil Abeyaratna with M. Kudakolowa for the Accused –
Appellant.

Wasantha Perera, DSG for the State.

Argued on: 07.03.2023

Decided on: 04.04.2023

MENAKA WIJESUNDERA J.

The instant appeal has been filed to set aside the judgment dated 12.1.2021 of the High Court of Panadura.

The accused appellant had been indicted under section 365 and two charges of 345 of the Penal Code.

The appellant had pleaded not guilty and upon the conclusion of the trial the learned High Court Judge had convicted the appellant for all three charges and had sentenced to,

- 1) for the first charge 15 years rigorous imprisonment with a fine and default sentence,
- 2) for the second charge 5 years rigorous imprisonment with a fine and default sentence,
- 3) for the 3rd charge same as above, and the sentences for the second and the third charge to run concurrently.

When the matter came up for argument the counsel for the appellant indicated to Court that he is only canvassing the sentence.

As such the learned Counsel for the respondents had no objection for the same.

Hence considering the submissions of both parties this court is of the view that the sentence imposed by the learned trial judge should be varied as below,

- 1) for the first charge a rigorous imprisonment of 10 years ordered and the fine and the compensation to remain the same, the sentences with regard to the second and the third not varied but all three sentences to run concurrently and from the date of the conviction.

Subject to the above variation in the sentence the instant appeal is dismissed.

Judge of the Court of Appeal.

I agree.

B. Sasi Mahendran J.

Judge of the Court of Appeal.