

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

In the matter of an appeal under and in terms of Section 331(1) of the Code of Criminal Procedure Act No. 15 of 1979.

**Court of Appeal**  
**Case No: HCC-0131-16**

Thambirajah Kunenthiran

**High Court of Batticaloa**  
**Case No: 2502/07**

**Accused-Appellant**

**Vs.**

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

**Complainant-Respondent**

Before : Hon. Justice Menaka Wijesundera  
Hon. Justice B. Sasi Mahendran

Counsel : Nyantha Wijesundara for the Accused-Appellant.  
Azard Navavi, S.D.S.G. for the State.

Argued and  
Decided on : 19.07.2023

**Hon. Justice Menaka Wijesundera**

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

Matter is taken up for argument. But, upon the submissions made by both parties, it is agreed that the finding on murder by the trial Judge should be varied to one of culpable homicide not amounting to murder on the basis of knowledge. As such, the death sentence imposed on the Accused-Appellant is hereby taken off and a 07-year term of imprisonment is ordered from the date of conviction which is 05/05/2016.

This Court also imposes a fine of Rs.50,000/- and in default, 01-year imprisonment ordered.

Subject to that, the appeal is dismissed.

**Hon. Justice B. Sasi Mahendran**

I agree.

JUDGE OF THE COURT OF APPEAL

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