

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

In the matter of an appeal filed in terms of
Section 331 of the Code of Criminal
Procedure Act No. 15 of 1979.

Court of Appeal
Case No: HCC-0393-394-19

High Court of Colombo
Case No: HCB 1631/2006

1. Pahalamulla Gedera Sunil Premarathna
No.82/1,
Divilla Yatawatta,
Matale.
2. Kachchakaduge Ranjith
Morogolla,
Bambaragaswewa,
Galewela.

1st and 2nd Accused-Appellants

Vs.

The Director General,
Commission to Investigate Allegations of
Bribery or Corruption,
No. 36, Malalasekara Mawatha,
Colombo 07.

Complainant-Respondent

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

Counsel : Anil Silva, P.C. with Amaan Bandara and Shaluka Neranga
for the Accused-Appellants.

Janaka Bandara, D.S.G. for the State.

Argued and
Decided on : 19.07.2023

Hon. Justice Menaka Wijesundera

Accused-Appellants are on bail.

When the matter was taken up for argument, Counsel appearing for the 1st and 2nd Accused-Appellants stated that he is withdrawing his appeal with regard to the conviction and he is only canvassing the sentence.

Both parties made submissions. We observe that the date of offence had been in September 2005 which is almost 18 years ago. The two Accused-Appellants had been convicted on 27th August 2019. At that time the 1st Accused-Appellant was 65 years of age and the 2nd Accused-Appellant was 60 years of age. But we note the nature of evidence which had been placed before the trial Judge is not very convincing. Taking all these matters into consideration, we vary the terms of imprisonment imposed on the two Accused-Appellants as below.

For the 1st Charge, the imprisonment of the 1st Accused-Appellant is reduced to 6 months rigorous imprisonment. The rest of the sentence with regard to the 1st charge remains the same.

For the 2nd Charge of the 1st Accused-Appellant the term of imprisonment is reduced to 6 months rigorous imprisonment. 3rd Charge also the same. 4th Charge also the same.

The totality of the imprisonment imposed on the 1st Accused-Appellant which is 02 years rigorous imprisonment is hereby suspended for 05 years. The fines and the default sentences to remain the same as imposed by the trial Judge.

With regard to the imprisonment of the 2nd Accused-Appellant to the 07th Charge is hereby reduced to 06 months rigorous imprisonment and the fine and the default sentence to remain the same.

The term of imprisonment imposed for the 08th Charge with regard to the 2nd Accused-Appellant is again reduced to 06 months rigorous imprisonment and the fine and the default sentence to remain the same. The 02-year term of imprisonment imposed on the 2nd Accused-Appellant is suspended for 05 years.

Subject to the said variation, the appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

Hon. Justice B. Sasi Mahendran

I agree.

JUDGE OF THE COURT OF APPEAL

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