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

In the matter of an Appeal in terms of Section 331 of the Code of Criminal Procedure Act No. 15 of 1979 and in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Court of Appeal Case No: CA/HCC/0063/21

High Court of Embilipitiya Case No: HC 97/2016

Jayasekara Kankanam Pathiranage

Wimalasena alias Wimale Mama

**Accused-Appellant** 

-VS-

Hon. Attorney General

Attorney General's Department,

Colombo 12.

**Complainant-Respondent** 

**Before** : Hon. Justice Menaka Wijesundera.

Hon. Justice B. Sasi Mahendran.

**Counsel**: Laknath Senevirathne for the Accused-Appellant.

Jayalakshi De Silva, S.C, for the State.

**Decided on** : 13/06/2023.

Hon. Justice Menaka Wijesundera

The instant appeal has been filed to set aside the judgment dated 04/08/2021 by the

High Court of Embilipitiya.

The Accused-Appellant had been indicted for two charges of sexual abuse under the

provisions of the Penal Code. When the matter was taken up for argument, the learned

Counsel appearing for the Accused-Appellant stated that he is not contesting the

conviction but only the sentence.

Both parties made submissions to this effect. Upon considering the submissions of the

both parties, this Court back date the sentence to be operative from the date of

conviction which is 04/08/2021.

Subject to the said variation, the instant appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

Hon. Justice B. Sasi Mahendran.

I agree.

JUDGE OF THE COURT OF APPEAL

Ms/-