

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an application for
revision under and in terms of the
article 138 of the Constitution.

1. Watagala Gamaralalage
Yasawathie
2. Pathirage Dammika Wanshalatha

Accused-Appellants

C.A. Application No.

CA HCC-0355-357-18

High Court of Colombo

Case No: **HC 4682/2009**

Vs.

The Hon. Attorney General

Attorney General's Department,

Colombo 12.

Respondent

Before: Hon. Justice Menaka Wijesundera

Hon. Justice B. Sasi Mahendran

Counsel: Palitha Fernando P.C. with Iranga Gunawardene for the Accused-Appellant in HCC-0357-18.

Rohantha Abeysuriya, ASG, P.C. for the State.

Decided on: 22.06.2023

Hon. Justice Menaka Wijesundera

HCC-0357-18

In the instant matter the Petitioner had been a witness in the main case and had been treated adverse and thereafter the Court had taken steps and convicted the witness for 01 year Rigorous imprisonment for each count to run consecutively.

Heard the submission of the President's Counsel and he urged this Court to reconsider the sentence.

The Attorney General has no objection.

Therefore, upon the considering of the submissions of both Counsel the 01 year imprisonment on each count is reduced to 06 months rigorous imprisonment and suspended for 05 years.

Subject to the said variation, the appeal is dismissed.

The learned President's Counsel further submits that his passport of the Petitioner is in the custody of the High Court registry.

We order the registrar of this Court to send a copy of this Order to the Registrar of the relevant Court and the Registrar of the relevant Court should take steps to release the passport to the Petitioner.

JUDGE OF THE COURT OF APPEAL

Hon. Justice B. Sasi Mahendran

I agree.

JUDGE OF THE COURT OF APPEAL