

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

An appeal against the conviction
and sentence dated 28.07.2020
by the Learned High Court Judge
of the Northern Province.

Democratic Socialist Republic of
Sri Lanka

Court of Appeal Case No:
CA-HCC-0175-20
High Court of Vavuniya
Case No: **HCV/2814/18**

Complainant

Vs.

Uwais Mohammed Raseeth
Accused

AND NOW BETWEEN

Uwais Mohammed Raseeth
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: N. M. Shaheid with Zaid Ali for the Accused-Appellant.
Riyaz Bary, DSG for the State.

Decided on: 22.06.2023

Hon. Justice Menaka Wijesundera

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

When the matter was taken up for argument, the Counsel appearing for the Accused-Appellant stated that he is not contesting the conviction but only the sentence. Learned Deputy Solicitor General for the Respondent is not objecting for it.

Both parties made submissions. The Counsel for the Accused-Appellant brought to the notice of this Court certain factors in favour of the Accused-Appellant and the learned Deputy Solicitor General brought to the notice of this Court that the victim had been 07 years of the age at the time of the offence and the Accused had been 17 years of age.

We also observed that the learned Trial Judge had not considered the mitigatory circumstances when sentencing the Accused.

Considering the above mentioned submissions, we vary the sentence of the imprisonment imposed on the Accused-Appellant as follows;

01. For the 01st count, the imprisonment ordered by the learned Trial Judge is varied from 02 years rigorous imprisonment to 01 year rigorous imprisonment.
02. For the 02nd charge, the learned Trial Judge had ordered 09 years rigorous imprisonment, which is varied to 07 years rigorous imprisonment and both terms of imprisonments to run concurrently from the date of conviction which is the 28.07.2020. The rest of the sentence to remain the same.

Subject to the said variations, the appeal is dismissed.

Judge of the Court of Appeal

Hon. Justice B. Sasi Mahendran

I agree.

Judge of the Court of Appeal

CS/-