

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

**SRI LANKA**

In the matter of an Appeal in terms of  
Section 331 (1) of the Code of Criminal  
Procedure Act No. 15 of 1979 read with  
Article 138 of the Constitution of the  
Democratic Socialist Republic of Sri Lanka

**Court of Appeal Case No:-**

**CA-HCC-0013-22**

**High Court of Nuwara Eliya Case No: -**

**HC/NE/48/2017**

Democratic Socialist Republic of Sri Lanka

**COMPLAINANT**

**Vs.**

Rengasamy Yogeshwaran

**ACCUSED**

**AND NOW BETWEEN**

Rengasamy Yogeshwaran

**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** : - Accused-Appellant is unrepresented.  
Chathurangi Mahawaduge, S.C. for the Respondent.

**Decided on** : - 04.07.2023

**Hon. Justice Menaka Wijesundera**

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

The Counsel for the Accused-Appellant is not present. Today, it has been fixed for a short date to consider only the sentence.

The Counsel for the Accused-Appellant had obtained this date for Court to consider only the sentence but he is not in Court.

Now, the time is 10.15 a.m. Therefore, Court is unable to postpone this matter and we have no other matters fixed for hearing.

The learned State Counsel appears for the Respondent.

Submissions of the learned State Counsel for the Respondents concluded.

Written submissions filed by the both parties also considered by this Court and Court vary the sentence as follows;

Accused-Appellant has been found guilty for the 01<sup>st</sup> and the 02<sup>nd</sup> charges.  
As such, for the 01<sup>st</sup> charge, 10 years Rigorous Imprisonment ordered, and  
for the 02<sup>nd</sup> charge also 10 years Rigorous Imprisonment ordered.

Both terms of imprisonment to run concurrently from the date of the conviction which is 02.08.2019.

The rest of the sentence to remain the same.

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

**JUDGE OF THE COURT OF APPEAL**

**Hon. Justice B. Sasi Mahendran**

I agree

**JUDGE OF THE COURT OF APPEAL**

SMR/-