

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an Appeal under and in terms of Section 331(1) of the Code of Criminal Procedure Act No. 16 of 1979 read with Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Court of Appeal Case No:
CA HCC-0063-22
High Court of Monaragala
Case No: **HC 140/2019**

Hon. Attorney General
Attorney General's Department
Colombo 12

Complainant

Vs.

Jayawardena Vidanapathiranalage
Kumara Premachandra

Accused

AND NOW BETWEEN

Jayawardena Vidanapathiranalage
Kumara Premachandra

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: Yalith Wijesundera for the Accused-Appellant.
Jayalukshi De Silva, SSC for the State.

Decided on: 12.06.2023.

Hon. Justice Menaka Wijesundera

The Accused-Appellant is not produced in Court via zoom platform by the Prison Authorities.

The instant matter has been filed to set aside the Judgment dated 08.02.2022. The Accused-Appellant has been convicted for the 02nd charge in the indictment, which is causing grave sexual abuse under the provisions of the Penal Code.

When the matter was taken up for argument, the Counsel appearing for the Accused-Appellant said he is only contesting the sentence. The Counsel for the Respondent had no objection.

Both parties made submissions. Considering the submissions of both parties, the sentence is varied as below:

01. The Accused-Appellant is sentenced to 07 years Rigorous Imprisonment from the date of the conviction, which is 08.02.2022.
02. 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

CS/-