

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

In the matter of an Appeal against an order of the High Court under Section 331 of the Code of Criminal Procedure Act No 15 of 1979.

Court Of Appeal Case No:

CA/HCC/ 0225/19

HC Chilaw

Case No: 69/2017

Pilipenne Ajith Prasanna Silva

Accused – Appellant

Vs.

The Hon. Attorney General

Attorney General's Department

Colombo 12.

Respondent

Before :- Hon. Justice Menaka Wijesundera

Hon. Justice B. Sasi Mahendran

Counsel :- Indica Mallawaratchy for the Accused-Appellant.

Jayalakshi de Silva, SSC for the State.

Decided on :- 11.07.2023.

Hon. Justice Menaka Wijesundera,

Accused–Appellant is produced in Court via zoom platform by the Prison Authorities.

When this matter was taken up for argument, the Counsel appearing for the Accused-Appellant stated that she is not contesting the conviction but only the sentence. Both

parties made submissions. The Counsel for the Accused-Appellant made submissions in mitigation and stated that at the time of the offence, the Accused-Appellant had been 18 years of age and 1st time offender and that he had not used any force on the Victim and also that they were having an affair.

The learned Senior State Counsel also made submissions on behalf of the Respondents and in view of the submissions made by both parties this Court is of the opinion that taking into consideration the facts of the case that the sentence imposed on the Accused-Appellant should be varied from 10 years Rigorous Imprisonment to 07 years Rigorous Imprisonment and it should be operative from the date of conviction which is 02nd of August 2019.

The rest of the sentence to remain the same. 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

ANV/-