

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

CA101/2011
HC(Anuradhapura)345/2004

D.A. Amarasiri Dissanayake,

Appellant

Vs.

The Attorney General,

Respondent

Before : **Sisira J. De Abrew, J**
P. W. D. C. Jayathilaka, J

Counsel : K.A. Upul Anuradha Wickramaratne
for the Accused-Appellant.

Hiranjan Peiries SSC for the AG

Argued &
Decided on : **28.05.2013**

Sisira J. De Abrew, J

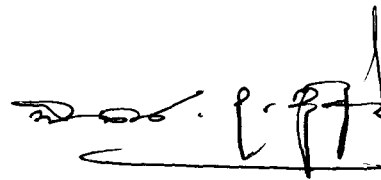
Heard both counsel in support of their respective cases. The Accused – Appellant in this case was convicted of the murder of a man named Nishshanka Arachchige Senadheera and was sentenced to death. Being aggrieved by the said conviction and the sentence the accused-appellant has appealed to this court. Facts of this case may be briefly summarized follows: The case for the prosecution entirely depended on circumstantial evidence. The accused appellant went to a place

called Edagala which is in the village of the accused appellant on 16.10.2000 on the motor cycle belongs to one Gamini Dayasiri. When the accused appellant came back on the motor cycle, the wife of the deceased asked where the key of the motor cycle was to which the accused appellant said that the key was in the pocket of the deceased person. It is worth while to note that the accused appellant is married to the daughter of the deceased person. Gamini Dayasiri says that there are two keys to this motor cycle. Later the investigating police officer found a bunch of key near the dead body. Police officer was able to start the motor cycle with one of the keys in the bunch. This evidence suggested that the accused appellant has met the deceased, after he left the house on the motor cycle.

Around 1.30 a.m. on 17.10.2000 the accused appellant surrendered to the police station with a sword. Police officer noticed blood stains on the shirt and the trouser worn by the accused appellant. But unfortunately the police officer has not forwarded the clothes of the Accused Appellant to the Government Analyst. Around 3.30 a.m. on 17.10.2000 (the following day of the incident), the police officer on the direction given by the accused appellant recovered the dead body of the deceased person. It is worth while to note the time of recovery of the dead body. It is 3.30 in the morning. The accused appellant in his two line dock statement denied the charge. He did not offer any

explanation to the recovery of the dead body. Further, he did not make any explanation to the handing over of the sword to the police officer around 1.30 in the morning. When we consider all these items of evidence, we feel that only irresistible and one and only inference that could be drawn is that the accused appellant committed the murder of the deceased person. In our opinion the learned trial judge has come to the correct conclusion. We see no reason to interfere with the judgement of the learned trial judge. For the above reasons, we affirm the conviction and the death sentence and dismiss the appeal.

Appeal dismissed.



Judge of the Court of Appeal

P.W.D.C. Jayathilaka, J

I agreed.



Judge of the Court of Appeal

Na/-