

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

CA226/2008

H.C.(Galle)2575/2005

Sunil Edirisinghe alias Kira alias Kiriya

Appellant

Vs.

The Attorney General,

Respondent

Before

:

Sisira J. De Abrew, J

P.W.D.C. Jayathilaka, J

Counsel

:

Amila Palliyage for the
Accused-Appellant.

Sarath Jayamanna DSG
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 Bataduwa Arachchige Chandrasiri and was sentenced to death. Being aggrieved by the said conviction and the sentence he has appealed to this court. The case for the prosecution entirely depended on circumstantial evidence.

The wife of the deceased person, on hearing that her husband had been assaulted went and questioned the deceased person as to who assaulted him. He replied that kiriya who was hiding assaulted him with a Weya (an instrument like an axe which is used to get coconut timber sawn). When the deceased was being taken to the hospital, he made the same dying declaration to the driver of the vehicle. Two police officers who were going to investigate the crime met the vehicle in which the deceased was being taken to the hospital. When two police officers inquired from the deceased person as to what happened, the deceased person made the same dying declaration to the two police officers. Kiriya is the accused in this case. According to the wife of the deceased person, 10 days prior to the incident the accused appellant scolded her suspecting that her husband had given information with regard to his brother's illicit liquor. After the incident, when the wife of

the deceased person met the accused appellant on her way, she questioned the accused appellant as ^{to} what he did to her husband. The [^] accused appellant then addressed her in the following language "I will remove you". Thereafter he chased after the deceased person's wife who in fear ran away. According to the medical evidence the deceased person was able to speak after he received the injuries. Learned counsel for the accused appellant submits that he has no compelling reasons to challenge the conviction. When we consider the evidence led at the trial, we are of the opinion that the learned trial judge has rightly convicted the accused appellant for the offence of murder. We therefore affirm the conviction and the 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/-