

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

Court of Appeal Case No: CA/91/2010
High Court of Colombo Case No. 244/2001

The Attorney General,
Attorney General's Department,
Colombo 12.

COMPLAINANT

VS.

Mohamed Azeem Deen

ACCUSED

AND NOW BETWEEN

Mohamed Azeem Deen

APPELLANT

VS.

The Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENT

C.A No: 91/2010

H.C Colombo No: HC/244/01.

H.C.Welikada No.166/06

Before : Sisira J. de Abrew, J. (Acting P/CA) and
P.W.D.C. Jayathilaka, J.

Counsel : Dharmasiri Karunaratne for the Accused-
Appellant.
Dilan Rathnayake SSC for the Respondent.

Argued &

Decided on : 28.11.2013.

Sisira J. de Abrew, J. (Acting P/CA)

Accused-Appellant is present in Court produced by the Prison
Authorities.

Heard both counsel in support of their respective cases.

2 The accused-appellant in this case was convicted for being in
possession of 2.36 grams of heroin. The learned trial judge has imposed a
life imprisonment on the accused-appellant. According to the facts of this
case the police officer attached to the Grandpass Police station went near
Prince of Wales Avenue in Grandpass, in order to investigate complaints of
gold chains being snatched from women. While they were on duty they
gave chase to a person who was running away from the place. When the
police arrested the man they found a packet of heroin in the shirt pocket of

✓ the accused-appellant. The gross quantity of the heroin ^{was} ~~of~~ 5 grams. The Government Analyst has confirmed that the net quantity was 2.36 grams of heroin. The accused-appellant in his dock statement stated that he was caught by the police and a case of theft and heroin was introduced ^{to} him. The fact that he was caught for a case of theft has not been suggested to the prosecution witness Shaney Abeysekara who gave evidence at the trial.

In our view, the statement of the accused-appellant cannot be believed and is not capable of creating a reasonable doubt in the prosecution case. We see no reason to interfere with the judgment of the learned trial Judge. We therefore affirm the conviction and the sentence and dismiss the appeal.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. Jayathilaka, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

WC/-