

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

C.A. Appeal No. 68/2010

Balapitiya Case No. H.C.B. 719

The Democratic Socialist Republic of Sri Lanka

Complainant

Vs.

Ponnamperuma Arachchige Premasiri

Accused

And Now

Ponnamperuma Arachchige Premasiri

Accused-Appellant

Vs.

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

Respondent

C.A. 68/2010

H.C. Balapitiya Case No: HCB 719/04

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

Counsel : Amila Palliyage for the Accused-Appellant.
Rohantha Abeysooriya DSG. for the Respondent.

Argued &

Decided on : 29.11.2013

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

Heard both counsel in support of their respective cases. The accused-appellant in this case was convicted of the murder of a woman named Hettiyawattage Rosalin and for raping said Rosalin. He was on the charge of murder, sentenced to death. On the charge of rape he was sentenced to a term of 20 years Rigorous Imprisonment and to pay a fine of Rs: 20,000/- carrying a default sentence of two years simple imprisonment. Being aggrieved by the said conviction and sentence he has appealed to this court.

Facts of this case may be briefly summarized as follows:

The victim Rosalin in this case was a 72 year old woman. Premasiri and his wife Delika were living 15 meters away from the victim's house. On 13.08.1998 around 11.45 p.m. Premasiri woke up as he wanted to go to the toilet. He then heard Rosalin screaming. Premasiri thereafter with his wife went to the house of Rosalin. They then saw the front door of Rosalin was

half opened. Thereafter they saw the accused-appellant who was without clothes on the body of Rosalin. Premasiri's wife Delika specifically says that the accused-appellant at this time was performing sexual intercourse on Rosalin. She also says that the accused was holding the neck of Rosalin. The accused-appellant at this stage got down from the bed and threatened both witnesses with death if they divulge this incident. Following morning the grandson of Rosalin found Rosalin dead. The medical evidence confirms the fact that Rosalin had been raped. Rosalin had died due to suffocation . Accused had denied the incident. The learned counsel appearing for the accused-appellant submits that there are no compelling grounds to challenge the conviction. We have gone through the evidence and find no reason to interfere with the judgment of the learned trial Judge. In our view the prosecution has proved the case beyond reasonable doubt. We therefore affirm both convictions and the sentences. We 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

Jmr/-