

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

Amarasilpage Nandasiri

Accused-Appellant.

C.A. Appeal No. 73/2009

H.C. Panadura Case No: 2143/2006

-Vs-

Republic of Sri Lanka

Respondent

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

Counsel : Dr. Ranjit Fernando for the Accused-Appellant.
Ms. Varunika Hettige SSC for the Respondent.

Argued &

Decided on : 09.12.2013

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 for committing grave sexual abuse to a girl named Varuni Chandima and was sentenced to a term of 10 years Rigorous Imprisonment, to pay a fine of Rs. 10,000/- carrying a default sentence of 06 months simple imprisonment and to pay a sum of Rs. 50,000/- to the victim carrying a default sentence of 2 years Imprisonment.

Being aggrieved by the said conviction and the sentence he has appealed to this Court. Learned counsel for the accused-appellant submits that he does not challenge the conviction but he submits that the sentence imposed by the learned trial Judge is excessive.

According to the indictment the accused-appellant is alleged to have touched the female organ of the girl and he has got the girl to touch his male organ. At the time of the incident the girl was only 09 years of age. When we consider the charge and the sentence, we feel that the sentence imposed by the learned trial judge is little excessive. The Court has a discretion to impose an appropriate sentence notwithstanding the fact that a minimum punishment has been prescribed by law. Vide S.C. 3/2008. We therefore set aside the 10 year term of Rigorous Imprisonment and sentence him to a term of 07 years Rigorous Imprisonment. We direct the Prison

Authorities to implement the sentence from the date of sentencing by the learned High Court Judge.

Subject to the above variation of the sentence the appeal of the appellant is dismissed.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

Kpm/-