

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

C.A.No. 136/2011

H.C. Panadura No.2288/2007

T.A.H. Jayaweera
No: 622/1,
St. Peter Road,
Moratuwella,
Moratuwa.

-Appellant-

-Vs-

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

-Respondent-

C.A.No. 136/2011

H.C. Panadura No.2288/2007

BEFORE : SISIRA J. DE ABREW, J. (ACTING P/CA) &
P.W.D.C. JAYATHILAKA, J.

COUNSEL : Dharmasiri Karunaratne for the Accused-
Appellant.
Haripriya Jayasundara DSG for the Attorney
General.

ARGUED AND

DECIDED ON : 16th January, 2014

SISIRA J. DE ABREW, J. (ACTING P/CA)

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

Heard all Counsel in support of their respective cases.

The accused-appellant in this case was charged with the murder of the man named Gunawardena Mahawaduge Lasantha Bandu Perera. After trial he was convicted of the offence of culpable homicide not amounting to murder on the basis of a sudden fight and was sentenced to a term of 5 years rigorous imprisonment and to pay a sum of Rs.10,000/= carrying a default sentence of 6 months imprisonment. Being aggrieved by the said conviction and the sentence, he has appealed to this Court. According to the facts of this case, the sister-in-law of the

accused-appellant went to fetch some water from a tap that was in front of deceased's house. There was an exchange of words between the deceased person and the sister-in-law of the accused-appellant whose name is Krihsnthi. When Krishanthi went back, the 2nd accused clapped and called the deceased person. Thereafter, the 2nd accused slapped the deceased person. As a result of this slap both of them (the 2nd accused and the deceased) started grappling. At this stage the 1st accused, who is the son-in-law of the 2nd accused came and stabbed the deceased person. When we consider the facts of the case, we see no reason to interfere with the conviction and the sentence imposed by the learned trial Judge. We therefore affirm the conviction and the sentence. However, we direct the Prison Authorities to implement the sentence from the date of sentencing by the learned trial Judge. Both Counsel admit that the accused-appellant, after conviction, has not been released on bail.

Appeal dismissed.

ACTING PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. JAYATHILAKA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=