

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

J.M. Nuhuman,

Accused-Appellant

Vs.

The Attorney General,

Respondent

C.A. 205/2009

H.C. Trincomalee Case No: HCEP2235/04(T)

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

Counsel : Isuru Somadasa for the Accused-Appellant.  
Wasantha Nawaratne Bandara D.S.G. for the  
respondent.

Argued &

Decided on : 07.02.2014

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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 man named Ismail Lebbe Izzadeen and was sentenced to death. Being aggrieved by the said

conviction and the sentence he has appealed to this Court. Facts of this case may be briefly summerized as follows: The accused is the brother-in-law of the deceased. On the day of the incident when the father of the accused was sleeping in the house he woke up as he heard some shouts of small children. When he went near the room of the deceased person who was also living in the same house, the accused came and told that the deceased person in this case had assaulted him. When (the father of the accused person) went to the room of the deceased person he found the deceased person with bleeding injuries. The accused- appellant was also living in the same house. When the Police came to the scene, the accused-appellant handed over a knife to the investigating Police Officer. The Police Officer observed blood stains on the blade of the knife. Government Analyst by his report marked P7, confirms that there was human blood on the blade of the knife . The accused-appellant in his evidence took up the defence of an alibi but his father gave evidence and stated that he was in the house. Abubakar Ikbai who was living in the same neighbourhood came to the scene of crime on hearing the shouts of the people. Then he saw the accused-appellant in the house. When we consider the evidence led at the trial, the evidence given by the accused-appellant cannot be accepted and is not capable of creating a reasonable doubt in the prosecution case. We hold that the learned trial Judge was correct when he rejected the evidence of the accused-appellant. In our view the prosecution has proved its case beyond reasonable doubt. There are no grounds to interfere with the judgment of the learned trial Judge. We therefore refuse to interfere with

the judgment of the learned trial Judge. We affirm the conviction and the sentence and dismiss the appeal.

*Appeal dismissed.*

Acting President of the Court of Appeal

P.W.D.C. Jayathilake, J.

I agree.

Judge of the Court of Appeal

Jmr/-