

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

CA 116-118/2012
HCE 48/2007

H. Kumaradasa Alias Raja

H.A. Dharmasena

H. Jinasena

Appellants

Vs.

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

Respondent

Before : **H.N.J. Perera, J. &**
P.W. D.C. Jayathilake, J.

Counsel : Indika Mallawarachchi for the 1st Accused-appellant
Razik Zarook, PC for the 2nd and 4th Accused Appellants
Neranjana Jayasinghe for the 3rd & 5th Accused Appellants
Sarath Jayamanne, DSG for the AG

Decided on : 26.09.2014

H.N.J. Perera, J.

The Counsel for the accused appellants contended that facts and circumstances under which offences of this case had been committed, the appellants should have been given a lesser punishment. The main ground urged by the counsel for the appellants was that the learned High Court Judge has failed to consider the nature of the injuries caused to the accused appellants at the time of the incident.

Considering the facts and circumstances and the submissions made by the counsel for the accused appellants this court set aside

the 12 year Rigorous Imprisonment imposed by the learned High Court Judge on the 2nd, 3rd, 10, 11th and 12th accused appellants on count 2 in the indictment and imposes a term of 10 years Imprisonment on each of the accused appellants. The other sentences imposed by the learned High Court Judge should stand unchanged.

High Court Judge of Embilipitiya is directed to issue a fresh committal accordingly.

We direct that the date of implementation of the sentence to be effective from the date of conviction namely 29.05.2012.

Subject to the above variation of the sentence imposed on the 2nd 3rd 10th 11th & 12th accused appellants on count 2 in the indictment, the appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-