

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

C.A. 18/2008

H.C.Trincomalee HCEP/2146/03(T)

The Republic of Sri Lanka

Kantale Police

Appellant

Vs.

Abdhulkhan Ammerkhan
Kinniya.

Respondent

C.A. 18/2008**H.C.Trincomalee HCEP/2146/03(T)**

Before : Anil Gooneratne,J. and
P.R.Walgama J.

Counsel : Niranjan Jayasinghe for the Accused-
Appellant.
S.Thuriraja D.S.G. for the
Complainant- Respondent

Argued and

Decided on : 30.09.2014.

Anil Gooneratne,J.

Learned Deputy Solicitor General submits to Court having perused the record that there is no formal defence called as per Section 200 (1) of the Code of Criminal Procedure Act. This Court having perused the translated brief at page 84 it appears to this Court that there is non-compliance with Section 200(1) of the said Code. In the above circumstances, we have no alternative but to set aside the conviction and sentence and send the case back for fresh trial.

Registrar is directed to convey the said order to the Registrar of the relevant High Court.

Learned Deputy Solicitor General also submits that this matter need to be expedited in view of the fact that this is a 2008 appeal and the incident occurred on or about 1990. In view of the above, learned High Court Judge is directed to expedite the trial in this case.

Trial de novo ordered.

JUDGE OF THE COURT OF APPEAL

P.R.Walgama,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-