

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

**CA 152/2012**  
HCE 250/2006

S. Upul

**Appellant**

**Vs.**

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

**Respondent**

**CA 152/2012**

**HCE 250/2006**

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

Counsel : N.A. Chandana Sri Nissanka for the  
Accused Appellant  
Dishna Warnakula, SSC for AG

Decided on : 29.09.2014

**H.N.J. Perera, J.**

Heard both counsel in support of their respective cases.

The counsel for the Accused Appellant submits to court that he will confine this appeal to the sentence imposed on the accused-appellant by the learned High Court Judge and moves the court to consider the fact that the accused too was injured and hospitalized after this incident. State vehemently object to reduction of the sentence as the learned High Court Judge has sentenced the accused-appellant after considering all the relevant facts and evidence which had been disclosed in this case. We have considered the facts and circumstances and the submissions made by the counsel. We see no reason to interfere with the sentence imposed by the learned High Court Judge regarding the accused appellant on both counts. But taking

into consideration the Accused Appellant has been incarcerated from the date of conviction, We direct that the sentence imposed by the learned High Court Judge be implemented from the date of conviction of this case namely 20.03.2012.

We dismiss the appeal subject to the above direction.  
Appeal dismissed.

**JUDGE OF THE COURT OF APPEAL**

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

I agree.

**JUDGE OF THE COURT OF APPEAL**

LA/-