

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

CA PHC (APN) No. 43/2014

H.C. Colombo No.1674/12

D.M. Chandrasiri
14/18/3, Athkam Nivasa,
Mahara, Nugegoda,
Kadawatha

Accused Petitioner

Vs.

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

Complainant - Respondent

D.M.Chandrasiri

Accused - Respondent

C.A.PHC(APN) No. 43/2014

H.C. Colombo No.1674/12

BEFORE : K.T. CHITRASIRI, J. &
W.M.M.MALINIE GUNARATNE, J.
COUNSEL : Sharon Serasinha for the appellant.
Anoop de Silva SSC for the respondent
ARGUED ON :
DECIDED ON : 02nd December, 2014.

K.T. CHITRASIRI, J.

When this matter was taken up for argument on the 25th November 2014, both Counsel made their submissions in support of their respective cases.

Learned Counsel for the petitioner submitted that she is restricting her application to the cancellation of the driving license by the learned High Court Judge that was made on the 6th June 2013. On that date, the learned High Court Judge has imposed two years rigorous imprisonment suspended for a period of 10 years and also made order to pay compensation amounting to Rs.250,000/= to the husband of the deceased person. In addition, to the above sentence, the driving license of the accused-petitioner was completely cancelled. The said

sentence was imposed by the learned High Court Judge upon tendering a plea of guilt by the accused-petitioner. However, the learned Counsel for the petitioner did not pursue to have the sentence of imprisonment and the payment of compensation varied or set aside. In fact the compensation that was ordered had already been paid.

We have considered the consequences of the cancellation of the driving license of the accused-petitioner. Learned Counsel for the accused-petitioner submitted that the accused-petitioner is the sole bread winner of his family with two children. She also submitted that the accused-petitioner had a health problem with his foot and therefore the accused-petitioner was unable to engage in employment for many years. Also, it was submitted that the accused-petitioner had no previous convictions.

Having considered the circumstances referred to above, we decide to alter the sentence in respect of the cancellation of the driving license and to ^{substitute it to read as;} cancel the driving license of the accused-petitioner ^{only} for a period of 10 years commencing from the date on which the sentence was passed by the learned High Court Judge, i.e. with effect from 06.06.2013.

Registrar is directed to convey the said decision of this Court to the learned High Court Judge in Colombo and to have the sentence imposed by this Court, implemented accordingly. Subject to the above variations, this application is allowed.

Application allowed.

JUDGE OF THE COURT OF APPEAL

W.M.M.MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=