

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

C.A. 144/2010

H.C. COLOMBO CASE NO: 4269/2008

Pattiyage Nuwanjith Thanushla

Accused-Appellant

Vs.

Hon. Attorney General,
Department of the Attorney General,
Colombo 12.

Respondent

C.A. 144/2010

H.C. COLOMBO CASE NO: 4269/2008

Before : Vijith K. Malalgoda PC.,J. (P/CA)&
HCJ Madawala,J.

Counsel : Saliya Pieris for the Accused-Appellant.
T. Mudalige SSC. for the respondent.

Argued &

Decided on : 11.02.2015

Vijith K. Malalgoda,PC. J. (P/CA)

Heard Counsel in support of this application. Counsel for the appellant at this stage submits that the Accused- appellant was 18 years old school boy when this incident has taken place. The victim who was the first cousin of the accused was only 13 years at that time. After trial the learned High Court Judge had imposed a sentence of 3 years Rigorous Imprisonment on each count and made them to run concurrent with a fine of Rs: 5000/- on each count and Rs: 25,000/- compensation. According to the counsel, the accused is now gainfully employed at a private firm and if he is sent to jail he will be ruining his entire life. The victim is also now over 20 years of age and they are relatives. Learned SSC. appearing for the Attorney General submits that he will leave the matter of sentence in the hands of Court. We feel that this is a fit case to re-consider the sentence considering the age and the other circumstances in this case. We also feel that this is a fit case to follow the decision in SC Rule No: 03/2008 decided

by their Lord ship in the Supreme Court. After considering all the submissions, we decide to impose a sentence of 2 years Rigorous Imprisonment on each count and suspend the above sentence for a period of 5 years. That three sentences are to run concurrently, Counsel for the appellant further submits that the accused had already paid up all the fines and compensation. But we decide to impose an additional fine and compensation. Accused is fined a sum of Rs: 10,000/- additional fine for each count and in default there is another period of six months simple imprisonment. In addition to the above, he is ordered to pay additional compensation of Rs: 100,000- with the default term of one year to the victim. Subject to the above variation the appeal stands dismissed.

Registrar is directed to forward this order along with the brief to the High Court of Colombo in order to implement the above order.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. Madawala.J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-