

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

C.A.176/2011

H.C. Chilaw Case No: 47/2010

K.D. Dilshan Tharupathi
Ambathale Road,
Pallekale

Appellant

Vs.

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

Respondent

C.A. 176/2011

H.C. Chilaw Case No: 47/2010

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

Counsel : B. Gamage for the Accused-Appellant.
Shanaka Wijesinghe DSG. for the respondent.

Argued &

Decided on : 13.02.2015

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

In the matter the accused-appellant was indicted before High court of Chilaw on three counts of rape. At the trial, the accused had pleaded guilty of all three counts. Counsel for the appellant submits that at the time the offenses was committed, the accused was only 14 years and the victim was 13 years. Learned High Court Judge after recording the plea had imposed a sentence of 2 years Rigorous Imprisonment which was suspended for 10 years on 22.11.2011 and also imposed a fine of Rs: 15,000/- and compensation Rs: 100,000/- on the victim and Rs: 200,000/- on the new born child. Counsel for the appellant submits that the appellant has paid a fine and the compensation. Today he moves to withdraw this appeal and makes an application under Section 359 of the Criminal Procedure Code to implement the sentence from the date of conviction. Learned Deputy Solicitor General is appearing for the respondent has no objection for this application. We make order that the sentence of two years which is

suspended for 10 years to implement from the date of conviction that is from 22.11.2011. Subject to the above variation the appeal is dismissed.

Registrar is directed to communicate this order to the Registrar of the High Court of Chilaw and return the brief accordingly.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. Madawala.J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-