

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

CA. No: 107/2009

H.C. Trincomalee No: 300/09

Pakkeer Kutty Riswan
Muthur

Accused - Appellant

Vs.

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

Complainant - Respondent

CA. No: 107/2009

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H.C. TrincomaleeNo: 300/09

BEFORE : H.N.J. Perera, J.
P.R. Walgama, J. &
K.K. Wickramasinghe, J.

COUNSEL : Indika Mallawarachchi for the Accused-Appellant.
S. Thurairajah DSG. for the A.G.

DECIDED ON: 09.06.2015

H.N.J. Perera, J.

At this stage counsel for the Accused -Appellant informs Court that she will confine this appeal to the sentence imposed by the learned High Court judge on the Accused-Appellant. She submits to Court that the Accused-Appellant was only 19 years at the time of the commission of the offence and further he has been languishing in remand for a period of five years due to the fact that there was no facilities in this Court to translate the said Tamil brief in to English language. Counsel for the Respondent too concedes these facts. Counsel also moves this court to consider reducing the amount of compensation ordered by the learned High Court Judge, that is to pay five lakhs to the victim of this case and states that the Accused has no capacity to pay the amount stated therein.

Counsel for the Accused-Appellant moves to Court to act under Section 359 of the Criminal procedure Code and to make an order for the sentence to be implemented from the date of conviction.

Counsel for the Respondent does not object to the said application.

Therefore, after considering facts and submissions made by the counsel we reduce the compensation ordered to the victim of this case to two lakhs and in default a period of one year Rigorous imprisonment.

We also direct that the said sentence imposed on of the Accused-Appellant be implemented from the date of conviction namely 16.09.2009. Subject to the variation of the sentence appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

P.R. Walgama, J.

I agree

JUDGE OF THE COURT OF APPEAL

K.K. Wickramasinghe, J.

I agree

JUDGE OF THE COURT OF APPEAL

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