

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

CA 90/2013

HC-Colombo-4866/200S

S.S. Padmanadan
No: E/05,
Nawagampura,
Wellampitiya.

Appellant

Vs.

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

Respondent

CA 90/2013

HC-Colombo-4866/2005

Before : H.N. J. Perera, J. &
K.K. Wickramesinghe, J.

Counsel : Neranjan Jayasinghe for the petitioner
Hiranjan Pieris, SSC for AG

Decided on : 28.05.2015

H.N.J. Perera, J.

Counsel for the Accused Appellant informs court that he will confine this appeal to the sentence imposed by the learned High Court Judge on the Accused Appellant. The Accused Appellant has been convicted for possession and trafficking of Heroin and found guilty on both counts.

After conviction the learned High Court judge has sentenced him to death on both counts. It is submitted on behalf of the accused appellant that he has no previous convictions and that the accused is addicted to heroin. Counsel brings it to the notice of court that the accused in his dock statement too had stated so. Counsel moves that the court to consider the fact that there is no evidence to show that he is a habitual

trafficker of heroin and therefore moves that the sentence imposed by the High Court Judge on the accused Appellant be converted to life imprisonment on both counts.

After considering the facts and circumstances of this case, and the fact that the accused has no previous convictions, we set aside the sentence of death imposed by the learned High Court Judge on the Accused Appellant and substitute a term of life imprisonment on both counts.

If for some reason, this life imprisonment imposed on the Accused Appellant is converted in to a fixed term, the Prison Authority is directed to implement the said sentence from the date of conviction namely 12.06.2013

Subject to the above variation of the sentence the appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

K.K. Wickramesinghe, J.

JUDGE OF THE COURT OF APPEAL

LA/-