

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

C.A 192/2012

H.C. Monaragala 219/2008

H.M. Chulakumara Chandrawansa
Magandanamulla,
Monaragala.

Appellant

Vs.

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

Respondent

C.A 192/2012.**H.C. Monaragala 219/2008.**

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

Counsel : Dr. Ranjith Fernando for the Accused-Appellant.
H.I. Peiris SSC for the State.

Accused-Appellant is present in court produced by the
Prison Authorities.

Argued &
Decided on : 29.05.2015.

H.N.J. Perera, J.

Counsel for the Accused-Appellant informs court that he will confine to this appeal to the sentence imposed on the Accused –Appellant by the learned High Court Judge. Counsel for the Accused Appellant also submits to this court that the medical evidence led in this case does not indicate that serious injuries had been caused to the victim of this case. He also further submit that there had been some relationship between the victim and the accused. Also moves this court to consider that the accused is now 50 years of age and that he has no previous convictions. Therefore he moves this court to consider these matters and reduce the term of imprisonment imposed by the learned High Court Judge on the accused – appellant and also to back date the sentence from the date of conviction.

Learned Senior State Counsel leaves the sentence in the hands of court.

After considering the fact and the circumstances and the submissions made by the counsel, we substitute a term of seven years Rigorous imprisonment on the accused –appellant. The fine Rs. 25,000/- imposed by the learned High Court on the accused appellant should stand but we substitute a term of six months in lieu of the fine and further compensation which had been ordered to paid to the complaint Rs. 100,000/- by the High Court Judge also should stand but we substitute a term of one year Rigorous imprisonment in lieu of the said compensation. Further acting under Section 359 of the Criminal Procedure Code we direct that the said sentence implemented from the date of conviction i.e 12.06.2012.

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

JUDGE OF THE COURT OF APPEAL

I agree.

K.K. Wickramaisnghe,

JUDGE OF THE COURT OF APPEAL.

Vkg/-