

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

C.A. 236/2013

H.C. Kalutara No. HC 664/2006

Suriya Don Chandana Jagath Kumara

Appellant

Vs.

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

Respondent

C.A. 236/2013 : H.C. Kalutara Case No. HC 664/2006

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

Counsel : Dr. Ranjith Fernando for the Accused-
Appellant
Jayantha Jayasuriya SASG for the A.G.

Argued &

Decided on : 12.05.2015.

H.N.J. Perera,J.

Counsel for the Accused Appellant informs Court that he will confine this appeal to the sentence imposed on the accused-appellant by the learned High Court Judge. The accused-appellant has been charged for committing rape on or about 28th January 2002 punishable under Section 364(1) of the Penal Code. After trial the accused-appellant has been sentenced to 10 years rigorous imprisonment and further a sum of Rs. 20,000/- had been ordered to be paid as

fine and a sum of Rs.400,000 (4 lakhs) has been ordered to be paid as compensation to the victim.

Counsel for the accused- appellant submits that the evidence led in this case show that the victim had admitted having sexual acts with the accused-appellant and girl had conceived thereafter. According to the evidence, girl had made a complaint to the police after the accused- appellant refused to marry her as he has promised. The girl has vehemently denied that she consented to have sex with the accused. Evidence show that there has been a love affair between the parties and that they have had sex.

The learned counsel for the accused-appellant moves this Court to consider the facts and the circumstances of this case and to reduce the sentence imposed by the learned High Court Judge and the compensation that has been ordered to be paid by the accused-appellant.

After considering the facts and circumstances of this case, we substitute the term of 7 years rigorous imprisonment on the accused-appellant and we also order

Rs.100,000/-(1 lakh) to be paid as compensation to the victim. In lieu of the compensation of Rs. 100,000 (1 lakh), we order 1 year rigorous imprisonment and the fine of Rs. 20,000/- and in lieu 6 months simple imprisonment ordered by the learned High Court Judge should stand.

On the application of the counsel for the Accused-Appellant, we further direct that the sentence imposed on the accused appellant be implemented from the date of conviction namely, 31.07.2013.

Subject to the above variation, the appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

K.K. Wickremasinghe,J.

I agree

JUDGE OF THE COURT OF APPEAL

/mds