

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

**Court of Appeal Case No.67/2012**

High Court of Monaragala Case No.230/2008

Walimuni Durayalage Piyadasa  
Kahambana,  
Monaragala.

**Appellant**

**Vs.**

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

**Respondent**

C.A.No.67/2012

H.C.Monaragala No230/08 (අපරාධ)

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

Counsel : Amila Palliyage for the Accused-  
Appellant. (assigned Counsel)  
Shanaka Wijesinghe D.S.G. for the  
Respondent.

Argued and

Decided on : 26.10.2015.

**H.N.J.Perera,J.**

Accused – Appellant is present in Court produced by the Prison Authorities.

At this stage, Counsel for the accused-appellant moves to withdraw this appeal and makes an application to act under Section 359 of the Criminal Procedure Code and to implement the sentence from the date of conviction namely, 29/3/2012. Learned Deputy Solicitor General leaves the sentence in the hands of this Court. Considering the facts and circumstances of this case, we allow the

application to withdraw this appeal and dismiss the appeal and we direct the learned High Court Judge to implement the sentence from the date of conviction namely 29/3/2012 and to issue a fresh committal accordingly. The fine imposed and the compensation ordered by the learned High Court Judge should stand. Subject to the said direction in the sentence the appeal is dismissed.

*Appeal dismissed.*

**JUDGE OF THE COURT OF APPEAL**

**K.K.Wickremasinghe,J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

WC/-