

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

C.A.No.199 -201/2010
H.C.Baddulla No.25/2001

R.W.W. Dharmadasa
Sampath Niwasa,
Dikyaya,
Buttala.

Appellant

Vs.

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

Respondent

C.A.No.199 -201/2010

H.C.Baddulla No.25/2001

Before : Vijith Malalgoda P.C, J. (P/CA) and
S.Devika de L. Tennekoon , J.

Counsel : Dr. Ranjit Fernando for the 1st accused-appellant
Tenny Fernando for the 2nd Accused-appellant.
Sarath Jayamanne P.C., ASG for A.G.

Argued and

Decided on : 11/12/2015.

Vijith K.Malalgoda , P.C. J.(P/CA)

2nd Accused –appellant present in Court produced by the
Prison Authorities.

This matter is fixed for argument today. 1st accused-appellant
Rajapakshe WattaVidanalage Dharmadasa and 2nd accused –appellant
Nambukara Mudiyansele Dugles have appealed in this matter. The
learned Senior Counsel for the 1st accused-appellant informs that the 1st

accused –appellant who was on bail is not present before this Court due to ill health. He further submits that he prefers to take up this matter when the 1st accused-appellant is present before this Court and he moves that the appeal against the 1st accused - appellant be re-fixed. Counsel appearing for the 2nd accused-appellant at this stage informs that he has instruction by his client to withdraw his appeal. The accused-appellant in this case has been convicted for culpable homicide not amounting to murder and imposed jail terms of 10 years rigorous imprisonment. Counsel further moves the Court to act under Section 359 of the Criminal Procedure Code and to consider the backdating of the sentence with effect from the date of conviction i.e.29.06.2010. Learned Additional Solicitor General Mr. Sarath Jayamanne President Counsel appearing for the Attorney - General informs Court that he will not make any submissions with regard to the implementation of the sentence and leave the matter in the hands of Court . Considering the submissions made by the both Counsel the Court makes order dismissing the appeal filed by the 2nd accused-appellant and make further order to implement the sentence on 2nd accused-appellant namely Nambukara Mudiyanseelage Dugles from the date of conviction i.e 29/06/2010. Subject to the above variation the appeal stands dismissed.

The rest of the sentence imposed on the 2nd accused-appellant will remain unaltered. Registrar is directed to communicate this order to the High Court of Badulla forthwith.

The appeal lodged by the 1st accused-appellant namely Rajapakshe Watta Vidanalage Dharmadasa is re-fixed for argument on 18/5/2016.

PRESIDENT OF THE COURT OF APPEAL

S.Devika De L. Tennekoon , J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-