

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

**CA 150/2013**

H.C. Ampara Case No.1478/2011

Suneetha Wijesinghe,  
No.66, Dambadeniya,  
Mahaoya.

**Accused-Appellant**

**- Vs-**

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

**Plaintiff-Respondent**

**C.A.150/2013**

**H.C. Ampara Case No.1478/2011**

**Before** : W.M.M.Malinie Gunaratne, J &  
S. Devika de Tennakoon, J

**Counsel** : Darshana Kuruppu for the Accused Appellant.  
Shavindra Fernando, ASG for the AG.

**Argued &**

**Decided on** : 25.04.2016.

**W.M.M.Malinie Gunaratne, J**

When this case was taken up for further argument the counsel for the Accused Appellant submitted that he does not wish to challenge the conviction but moved to vary the sentence imposed on the Accused Appellant on sympathetic grounds.

The learned counsel submitted that the Accused Appellant is a woman police constable and after this incident she has been dismissed from the service and who has suffered loss of employment consequent to the conviction, she should not impose a custodial sentence. Further he

submitted she has two schooling children and her husband is a heart patient.

In view of the above submissions, learned counsel moved to suspend the sentence which has been imposed on the Accused Appellant.

The learned Additional Solicitor General objected to suspend the sentence.

In the instant case Accused – Appellant was indicted before the High Court of Ampara on two counts for possession and trafficking nine hundred and seventy five grams (975) of cannabis sativa, offences punishable under Sections 54(A) (b) and 54(A) (d) of the Poisons Opium and Dangerous Drugs Ordinance as amended by Act No.13 of 1984.

Since the Accused Appellant had pleaded not guilty to the charges at the end of the trial the Learned Trial Judge has sentenced the Accused Appellant for one year Rigorous Imprisonment on each count, to run consecutively.

Having considered the gravity of the offence, the manner in which it has been committed and the ingenuity in which it has been committed, we do not wish to suspend the sentence. “ To decide what sentence is to be imposed on the Accused, the Judge has to consider the point of view

of the Accused on the one hand and the interest of the society on the other. " [Attorney General Vs. Mendis 1995 (1) SLR 138].

It is always tragic when a public servant losses his good character, job and pension because of criminal stupidity, but it has always being recognized that, it is not a ground to not impose a severe sentence.

Despite no previous convictions, and the distress caused to her family the sentence was not out of scale. Being a woman police constable, whose function was to uphold the law and to preserve order, deserve deterrent punishment for the serious offence committed by her. In this case, the very guardian of the law has committed a serious offence.

However taking into account all these circumstances a plea for a suspension is rejected, but, we order that the sentence imposed on the Accused-Appellant should run concurrently.

Subject to the above variation of the sentence the appeal is dismissed and the conviction is affirmed.

The Registrar is directed to forward the case record with a copy of the order to the High Court of Ampara for the implementation of the said sentence.

Appeal is dismissed subject to the above variations.

JUDGE OF THE COURT OF APPEAL

**S.Devika de L. Tennakoon, J.**

I agree.

JUDGE OF THE COURT OF APPEAL

Appeal dismissed.

LWM/-