

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

CA Case No. 48/2009  
HC Kurunegala Case No. HC 122/07

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

**Complainant**

**Vs.**

1. Solanga Arachchige Norosh Darshana.
2. Wijedasalage Nandasena

**Accused**

**And Between**

1. Solanga Arachchige Norosh Darshana.
2. Wijedasalage Nandasena

**Accused- Appellants**

**Vs.**

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

**Complainant-Respondent**

**CA48/2009**

**HC(Kurunegala)122/2007**

**Before : Deepali Wijesundera, J &  
Lalith Jayasuriya, J**

**Counsel : Rienzle Arsakularatne PC for the Accused-Appellants  
Maheshika Silva, SC for the Respondent.**

**Argued &**

**Decided on: 09.03.2017**

**Deepali Wijesundera, J**

Counsel for the Accused – Appellants are present in Court produced by the Prison Authorities.

Accused – Appellants were indicted in the High Court of Kurunegala under sections: 443,357 and 364 of the Penal Code for house breaking, abduction & gang rape. After trial they were convicted on 12.02.2009, 2<sup>nd</sup> accused appellant was acquitted of the 3<sup>rd</sup> charge and convicted for 1<sup>st</sup> and 2<sup>nd</sup> charge 1<sup>st</sup> accused – appellant was convicted for all three charges.

2<sup>nd</sup> accused - appellant was sentenced to 5 years rigorous imprisonment on each charges and Rs.100,000/- compensation was ordered to be paid to the victim.

1<sup>st</sup> accused-appellant has been given 15 years rigorous imprisonment for each charge and Rs.100,000/- compensation to be paid to the victim with a default term of 2 years.

Counsel for the accused appellant makes an application to vary the said conviction to run concurrently and the sentence to operate from the date of conviction. The learned DSG informs court that this a matter for court to decide.

Taking in to consideration the facts of this case we decide to allow the application of the counsel for the appellants and order that the sentences of both accused should operate from the date of conviction that is 12.02.2009, and the sentences should run concurrently.

Subject to the above variation the judgment of the Learned High Court Judge is affirmed the appeal is dismissed.

**Judge of the Court of Appeal**

**L.U. Jayasuriya, J**

I agree

**Judge of the Court of Appeal**

Na/-