

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

Court of Appeal No
CA/MC-RV / 16/2015

Waduduruge Rupalathara

Petitioner

Vs.

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

2. The Commissioner General of Prisons
Prison Headquarters,
Baseline Road,
Colombo 9.

3. The Superintendent
Mahara Prison,
Ragama

4. Hon. Wijedasa Rajapakshe
Ministry of Justice,
Hultsfort,
Ministry of Justice,
Colombo 12.

Respondents

CA/MC/RV/16/15

BEFORE: **L.T.B. DEHIDENIYA, J. (P/CA) &
A.L.S. GOONERATNE, J.**

COUNSEL: Kalyananda Tiranangama for the Petitioner.
Varunika Hettige DSG for the Respondents.

DECIDED ON: 01.08.2017.

L.T.B. DEHIDENIYA, J. (P/CA)

Both parties agreed that the sentences imposed by the learned Magistrate in the following cases to be altered in the following manner.

1. M.C. Avissawella 2982 – There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

2. M.C. Avissawella 2983 – There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

3. M.C. Avissawella 2984 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
4. M.C. Avissawella 2985 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
5. M.C. Avissawella 2986 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
6. M.C. Avissawella 4284 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

7. M.C. Avissawella 4285 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
8. M.C. Avissawella 4286 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
9. M.C. Avissawella 4287 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
10. M.C. Avissawella 4288 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
11. M.C. Avissawella 4289 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count.

One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

12. M.C. Avissawella 2987 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
13. M.C. Avissawella 2988 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
14. M.C. Avissawella 2989 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
15. M.C. Avissawella 2990 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

16. M.C. Avissawella 2991 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.
17. M.C. Avissawella 4283 - There are two counts, Cheating and Criminal misappropriation. One year custodial sentence has been given for each count. One year of criminal misappropriation could be set aside. In the finality the petitioner will serve only one year.

JUDGMENT

The sentences mentioned above is set aside and the remaining sentences be implemented in those cases. Court directs the Registrar to send a copy of the Judgment to the Magistrate of Avissawella and Commissioner General of Prison and the Superintendent of Dumbare Prison, Pallekale.

PRESIDENT OF THE COURT OF APPEAL

A.L.S. GOONERATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Mm/-.