

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

**CA 183/2015**

Subramaniam Suresh Kumar  
No: 67,  
Kadiragamar Street,  
Batticalaw.

**Appellant**

**Vs.**

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

**Respondent**

CA 183/2015

BEFORE:           **S. DEVIKA DE L. TENNEKOON, J. &**  
                          **S. THURAIRAJA, P.C. J.**

COUNSEL:       Jagath Nanayakkara for the 3<sup>rd</sup> Accused-Appellant.  
                          Chrisanga Fernando for the Respondent.

DECIDED ON:    30.08.2017.

**S. THURAIRAJA, P.C. J.**

Accused-appellant is present in Court produced by the Prison Authorities.

The Counsel for the accused-appellant after getting instructions from the accused-appellant informs Court that the accused-appellant was convicted under Section 300 of the Penal Code and sentenced to four years rigorous imprisonment on 22.05.2006 and the accused-appellant was absconding and he was apprehended subsequently and the Judgment was passed on the 14.09.2015. Considering the period he served in the Prison the Counsel moves that the sentence to be back dated to the 14.09.2015 from which he is in remand. State has no objections.

Accordingly, the withdrawal of the appeal is allowed and the appeal is dismissed. Court orders the Prison Authorities to implement the sentence from the date of conviction namely 14.09.2015. The other conditions will remain as it is. Registrar is hereby directed to return the case record to the Registrar of the High Court of Batticaloa.

*Appeal dismissed.*

**JUDGE OF THE COURT OF APPEAL.**

**S. DEVIKA DE L. TENNEKOON, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Mm/-.