

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

Court of Appeal case no : CA HC 150 / 2014

Modara Acharige Dayananda

Galpoththawala

Pathtagama

Badulla

Petitioner

Vs.

Hon Attorney General

Attorney General's Department

Colombo 12

Respondents

C.A. No. 150/2014

H. C. Badulla Case No. 254/2007

Before : S. Devika de L. Tennakoon, J &
S. Thurairaja, P.C., J.

Counsel : Jeffry Zainudeen for the Accused-Appellant.
H. I. Peris D.S.G. for A.G.

Argued &

Decided on : 19.10.2017.

S. Thurairaja, P.C., J.

We heard the submissions of the Counsel for the Accused-Appellant and the learned D.S.G. for the Respondent. The Counsel for the Accused-Appellant submits that he is not contesting the conviction and he is only making an application to consider concession on the sentence and he submits that the Accused-Appellant is a 1st offender and his age and other circumstances. The learned D.S.G submits that the offence is a very serious offence as a public servant and the learned trial Judge had considered all the circumstances and given a minimum possible sentence. Therefore he is objecting for any concession to be given to the Accused-Appellant. Any how he submits that since the Accused-Appellant is behind the

bar from the date of conviction, he has no objections the sentence to be implemented from the date of conviction.

Considering submissions, we find that the offence the appellant it is a very committed is a serious offence, a public servant working in a government department and having possession of forged government documents namely, birth certificates and other things in his possession and is a very serious matter to be considered. Considering the facts and the submissions we affirm the conviction and regarding the sentence the facts does not warrant any leniency to be shown on the Accused-Appellant. Therefore, we affirm the sentence also. Considering the age and the plea made by the learned Counsel we direct the Prison Authorities to implement the sentence from the date of conviction namely, 30.09.2014. Appeal dismissed.

Registrar is hereby directed to return the case record to the Registrar of the High Court of Badulla for implementation of the sentence.

JUDGE OF THE COURT OF APPEAL

S. Devika de L. Tennakoon, J.

I agree.

JUDGE OF THE COURT OF APPEAL

AKN