

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

In the matter of an application under
article 138 of the Constitution.

Liyanage Justin Perera,
Prisoner No:O 13416
Welikada Prison,
Baseline Road, Colombo

Petitioner

C.A/MC/RV Appn. No: 20/2016

1. The Hon. Attorney General,
Attorney General's Department,
Hultsdorf, Colombo 12.
and two others.

Respondents.

CA/MC/RV 20/2016

**BEFORE : P.PADMAN SURASENA, J. (P/CA) &
A.L. SHIRAN GOONERATNE, J.**

COUNSEL : K.Thiranagama for the Petitioner.

Nayomi Wickremasekara SSC for the Respondent.

ARGUED AND

DECIDED ON: 19.03.2108

P.PADMAN SURASENA, J. (P/CA)

Court heard the submissions of learned counsel for the Petitioner as well as the learned Senior State Counsel. The Supreme Court subsequent to a fundamental rights application filed by the Petitioner before it, having considered the submissions of counsel, has directed the Registrar of the Supreme Court to forward these papers to the Registrar of the Court of Appeal to consider these papers as an application for revision filed in terms of Article 138 of the Constitution and has directed this court to take appropriate steps after noticing parties. The Supreme Court has directed this court to make a suitable

order in terms of law, after perusing the relevant records of the court of first instance if necessary.

This order must apply to the following 11 cases.

- (1) M.C. Colombo 45602/01
- (2) M.C Colombo 45603/01
- (3) M.C Colombo 45604/01
- (4) M.C Colombo 45605/01
- (5) M.C Colombo 45606/01
- (6) M.C Colombo 45608/01
- (7) M.C Colombo 45609/01
- (8) M.C Colombo 45610/01
- (9) M.C Colombo 45611/01
- (10) M.C Colombo 45612/01
- (11) M.C Colombo 45599/01

Learned Senior State counsel concedes that in terms of section 291 (i) (d) of the Criminal Procedure Code the term for which the court directs the offender to be imprisoned in default of payment of a fine

shall not exceed 1/4 of the term of imprisonment which is the maximum period of jail term fixed for the offence, if such offence is punishable with imprisonment as well as fine.

In these circumstance this court sets aside the default sentences of one year each, imposed as a default sentence pertaining to the payment of compensation of Rs. 80,000/- in each of the above cases. This court imposes 03 months rigorous imprisonment as a default sentence pertaining to the payment of compensation of Rs. 80,000/- by the accused in each of these 11 cases. Learned Magistrate is directed to issue fresh warrants of commitment after adjusting the sentences according to the above variation in respect of each of the above 11 cases.

PRESIDENT OF THE COURT OF APPEAL

A.L. SHIRAN GOONERATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Vkg/-