

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

In the matter of an application under and in terms
of Section .331 of the Criminal Procedure Code Act
No.15 of 1979.

CA HCC No.0019-21

HC (Colombo) Case No.

HC413/2017

Hon. Attorney General,

Attorney General's Department,

Colombo 12.

Complainant

Vs.

Siwanu Punyyarajah,

388, Pethiyagoda.

Accused

And Now

Siwanu Punyyarajah,

388, Pethiyagoda.

Accused-Appellant

Vs.

Hon. Attorney General,

Attorney General's Department,

Colombo 12.

Complainant - Respondent

Before : **Hon. Justice Menaka Wijesundera**
Hon. Justice B. Sasi Mahendran

Counsel : Buddhika Thilakarathna for the Accused-Appellant.
Maheshika De Silva, DSG for the Respondent.

Argued &

Decided on : 17.05.2023

Hon. Justice Menaka Wijesundera

Accused – Appellant is produced in Court via zoom platform by the Prison Authorities.

The instant appeal has been filed to set aside the judgment dated 23.03.2021 of the High Court of Colombo. The Accused-Appellant in the instant matter has been indicted for committing an offence under Section 364 (1) of the Penal Code. The learned High Court Judge after trial had found him guilty for the same and had sentenced him to ten years rigorous imprisonment with the fine of Rs.10,000/- in default one year rigorous imprisonment and with compensation for the victim of Rs.50,000/-. In default of the compensation another two years of imprisonment had been imposed.

When the matter was taken up for argument, the Counsel appearing for the Accused-Appellant stated that he is not contesting the conviction but only the sentence. The learned Counsel appearing for the Respondent had no objections for the said application. As such Court heard submissions in litigations. Upon consideration of the

submissions of both parties this Court decided to vary the sentence of ten years rigorous imprisonment imposed by the learned Trial Judge to seven years rigorous imprisonment to be operative from the date of sentencing which is 23.03.2021. The rest of the sentence to remain the same. Subject to the said variation the instant appeal is dismissed.

Judge of the Court of Appeal

Hon. Justice B. Sasi Mahendran

I agree.

Judge of the Court of Appeal

Na/-