

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

**In the matter of an Appeal in terms of  
section 331 of the Code of Criminal  
Procedure Act No.15 of 1979 as amended.**

Democratic Socialist Republic of Sri Lanka.

**Complainant**

Court of Appeal Case No.:

**CA HCC 0036/24**

Vs.

High Court of Hambantota

Case No.

**HC 115/1999**

Magistrate Court Case No.:

**NS 19050**

1. Pannila Gamage Ranjith (deceased),  
Radaliyadda,  
Galpamuna,  
Palatuwa.

2. Jinadasa Madawan Arachchi (deceased),

3. Sirima Edirisuriya,  
Both at No.278, Modarapiliwala,  
Ruhunu Ridiyagama,  
Ambalanthota  
(Presently at Welikada)

**Accused**

**AND NOW BETWEEN**

Sirima Edirisuriya,  
No.278, Modarapiliwala,  
Ruhunu Ridiyagama,  
Ambalanthota  
(Presently at Welikada)

**Accused-Appellant**

Vs.

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

**Complainant-Respondent**

**Before:**     **B. Sasi Mahendran, J.**  
                  **Amal Ranaraja, J.**

**Counsel:**   Dharshana Kuruppu with Sahan Weerasinghe and Tharushi  
                  Gamage for the Accused-Appellant.

Janaka Bandara, D.S.G. for the Respondent.

**Argued on:**   23.06.2025

**Decided on:** 18.07.2025

**JUDGMENT**

**AMAL RANARAJA, J.**

1. The Accused-Appellant (hereinafter referred to as the “Appellant”) has been indicted in the *High Court of Hambantota* in High Court case no. HC 115/1999.
2. The charge in the indictment is as follows;

That on or about January 18, 1993, at *Modarapiliwela*, within the jurisdiction of this Court, you did commit murder by causing the death of one *Meegahalandadurage Jayasena* and

that you have thereby committed an offence punishable under section 296 of the Penal Code.

3. At the conclusion of the re-trial, the Learned High Court Judge has convicted the appellant of the charge and sentenced her to death. The appellant aggrieved by the conviction and the disputed judgment together with the sentencing order has preferred the instant appeal to this Court.

#### **Case of the prosecution**

4. On the day of the incident, the deceased has gone to the anicut near his house for his morning wash. He however has failed to return as usual. PW01, the elder daughter of the deceased. On her way to school has reportedly seen an altercation between the deceased and the appellant together with two other accused named in the indictment.
5. Concerned, PW01 has hurried back home and informed her mother, i.e. PW03 about what she has witnessed. Later when PW01's mother arrived at the scene based on her daughter's account, he has discovered her husband, the deceased, lying lifeless on the road.

#### **Case of the appellant**

6. The appellant has consistently asserted her lack of involvement in the incident in question.

#### **Ground of appeal**

7. When the matter was taken up for argument, the Learned Counsel for the appellant indicated to Court that he would limit his ground of appeal to the following;
  - i. The Learned Trial Judge has failed to consider the glaring contradictions and infirmities of the prosecution witnesses together with the vital omissions thereby causing serious prejudice to the accused-appellant.

8. PW01, the elder daughter of the deceased has asserted in her narrative that she witnessed the alleged incident involving the deceased. Although, she has been considered a key witness, PW01 has not provided a clear and consistent account of the events that purportedly transpired on that day.
9. During her testimony at the inquest, she has stated that only two individuals were involved in the altercation with the deceased. However, she has later contradicted herself by claiming that three people were present at the scene of the incident.
10. Further, in her statement to the police, witness PW01 has failed to adequately describe the actions of the appellant and the other accused at the scene of the incident. However, during the trial, she has introduced new details in her testimony that she had not mentioned previously in her police statement. Although, she has mentioned it during the trial, PW01 has failed to mention that the appellant struck the deceased during the inquest.

ප්‍ර: නමුත් එදා දුන්න මරණ පරීක්ෂණ සාක්ෂියේදී සිරිමා නැන්දා පොරවෙන් ගැහුවා කියලා එකම සාක්ෂියක්වත් ලියවිලා නැහැ කියලා මම යෝජනා කරනවා.  
 උ: මට මතක නැහැ ඒ කියපුවා මතක නැහැ මම දැක්ක දේ කිව්වේ.  
 ප්‍ර: නමුත් නමුත් එහෙම එකක් මරණ පරීක්ෂණය වෙලාවේ කියලා නැහැ?  
 උ: මම කියුවේ මම දැක්ක දේ, එදා සිද්ධිය මම දැක්කා.  
 (සිරිමා නැන්දා පොරවෙන් බෙල්ලට ගැහුවා යන ප්‍රකාශය උණ්කාවයක් ලෙස ගරු අධිකරණයේ අවධානයට යොමු කර සිටින බව විත්තියේ උගත් නීතිඥ මහතා දැනුම් දෙයි)

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11. Further, the younger daughter of the deceased, i.e. PW02, has not informed the police that the appellant or the other accused were armed with sharp-edged weapons at the scene of the incident. However, during her testimony at the trial, she has deviated from her initial statement, introducing new details regarding the weapons that the appellant and

the other accused allegedly carried at the time of the incident.

ප්‍ර: තමුන් අද කිව්වා මේ 01 වන වූදිතගේ අතේ කැත්තක් තිබෙනවා දැක්කා කියලා?

උ: ඔව්.

ප්‍ර: තමුන් මේ සිද්ධිය සම්බන්ධයෙන් මුලින්ම පොලීසියට කට උත්තරය දුන්න දවසේ පොලීසියට කිව්වද මේ 01 වන වූදිත රංජිත් අතේ කැත්තක් තිබෙනවා දැක්කා කියලා?

උ: ඔව්.

ප්‍ර: මම තමුන්ට යෝජනා කරනවා තමුන් එසේ කිව්වේ නැහැ කියලා?

උ: පැහැදිලි නැහැ.

ප්‍ර: රංජිත්ගේ අතේ කැත්තක් තිබ්බයි කියලා තමුන් පොලීසියට කිව්වේ නැහැ කියලා යෝජනා කරනවා?

උ: කැත්තක් වගේ දෙයක් තිබුණ කියලා කිව්වා.

(ඒ අනුව මේ සාක්ෂිකාරිය අදාළ සිද්ධිය සිදුවූ දින එනම් 1993.01.18 දින පොලීසියට ලබාදුන් ප්‍රකාශයේ 01 වන වූදිතගේ අතේ කැත්තක් තිබුනා යන්න ප්‍රකාශ කර නැති හෙයින් එය උනතාවයක් වශයෙන් ගරු අධිකරණයේ අවධානයට යොමු කර සිටිනවා.)

[*vide* page 604 of the Appeal Brief]

ප්‍ර: අම්බලන්තොට පොලීසියට කට උත්තරයක් දෙන කොට ඔබ කිවුවද සිරිමා නැන්දා අතේ පොරවක් තිබුනා ඔබ දැක්කා කියලා?

උ: ඔව්.

ප්‍ර: යෝජනා කරනවා සිරිමා නැන්දා අතේ පොරවක් තිබුනා දැක්කා කියලා වචනයක්වත් ඔබ කියලා නැහැ කියලා?

උ: මම දැක්කා.

ප්‍ර: ඔබ පොලීසියට දුන් කට උත්තරයේ ලියව්ලා නැත්තන් සිරිමා නැන්දා අතේ පොරවක් තියෙනවා දැක්කා කියලා?

උ: මම දැක්කා.

ප්‍ර: ඔබ පොලීසියට දුන් කට උත්තරයේ ලියව්ලා නැත්තන් සිරිමා නැන්දා අතේ පොරවක් තියෙනවා දැක්කා කියලා?

උ: සිරිමා නැන්දා එතන භීටියා පොරවක් තියාගෙන.

(ඒ අනුව සිරිමා නැන්දා අතේ පොරවක් තිබුනා කියන සාක්ෂිය උණනාවයක් ලෙස අධිකරණයේ අවධානයට යොමු කර සිටිනවා)

[*vide* page 615 of the Appeal Brief]

12. It has also come to light that the wife of the deceased referred to as PW03 has not been made aware by her elder daughter, PW01, that she had

witnessed the appellant striking the deceased. This revelation raises important questions regarding the probability of the narrative of PW01.

13. The discrepancies highlighted in the preceding paragraphs significantly undermine the credibility of the prosecution witnesses. Those inconsistencies cast a doubt on their reliability and consequently, their ability to provide accurate information regarding the appellant's involvement in the incident referred to in the charge.
14. Furthermore, the prosecution has failed to present compelling evidence that unequivocally establishes the appellant's participatory presence at the scene of the alleged crime. Without robust, coherent evidence linking the appellant to the incident, the prosecution's case weakens. The lack of consistent testimony not only questions the reliability of the witnesses but also raises concerns about the overall integrity of the prosecution's narrative.
15. The foundation of the prosecution's case is precariously built on inconsistent and unreliable witness testimonies, which do not substantiate the claims against the appellant. Thus, the prosecution has failed to provide clear and convincing evidence of the appellant's participation in the incident referred to in the charge.
16. Due to the matters discussed above, I am inclined to interfere with the conviction and the disputed judgment together with the sentencing order. Accordingly, I set aside the conviction and the disputed judgment together with the sentencing order and proceed to acquit the appellant of the charge.

*Appeal allowed.*

I make no order regarding costs.

17. The Registrar of this Court is directed to send this judgment to the *High Court of Hambantota* for compliance.

**Judge of the Court of Appeal**

**B. SASI MAHENDRAN, J.**

I agree,

**Judge of the Court of Appeal**