

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

Jayarathna Mudiyanse

Dharmasiri Bandara

Accused-Appellant.

H.C.C. No.43/2017

Vs.

H.C.Monaragala No.14/2016

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

Complainant-Respondents -

Before : Hon. Justice K.K.Wickremasinghe

Hon. Justice Priyantha Fernando

Counsel : Nihara Randeniya for the Accused-Appellant.

Sudharashana de Silva DSG for the Respondent.

Decided on : 26/02/2020

Hon.Justice K.K.Wickremasinghe.

Accused-Appellant present in Court produced by Prison Authorities.

Learned Counsel appearing for the Accused - Appellant informs Court that he is withdrawing the appeal against the conviction and further he makes an application to Court to

backdate the sentence from the date of conviction imposed on the Accused-Appellant.

Learned Deputy Solicitor General concedes to back date the sentence from the date of conviction. Accordingly conviction is affirmed. Therefore 10 years rigorous imprisonment is back dated to run from the date of conviction namely 01/03/2017. The default sentence of one year simple imprisonment and default sentence of the fine of Rs. 10,000/= is brought down to 6 months simple imprisonment. Compensation and the default sentence to remain unchanged. Subject to the above variation, the appeal is partly allowed.

Registrar is directed to send copies of this order to the High Court of Monaragala and the Prison Authorities.

JUDGE OF THE COURT OF APPEAL

K.Priyantha Fernando , J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-