

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

Court of Appeal Case No : CA WRIT/273/2013

Upasena Weerasinghe

Petitioner

Vs.

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

Respondents

C.A. No. 273/2013

H.C. Ratnapura No. HCR 100/2000

BEFORE : DEEPALI WIJESUNDERA J. &

L. U. JAYASURIYA, J.

COUNSEL : Saliya Peiris P.C. with Susil Wanigapura for the
Accused-Appellant.

Yasantha Kodagoda P.C. (A.S.G) with Randima
Fernando S.C. for the respondents.

ARGUED AND

DECIDED ON : 01st February, 2018

DEEPALI WIJESUNDERA J.

Accused-Appellant is present in Court produced by the Prison
Authorities.

Heard submissions of Counsel for the Accused- Appellant and the
learned Additional Solicitor General for the respondent. The Accused-
Appellant had been charged under Section 140 of the Penal Code on

the 1st Count and on the 2nd count he had been charged under Section 296 read with Section 146 of the Penal Code. He had been charged under Section 296 read with Section 32 of the Penal Code on the 3rd count. After trial, he was convicted on the 1st and the 3rd counts and acquitted from the 2nd count. On the 1st count he has been sentenced to a term of 06 months imprisonment and a fine of Rs. 5000/= had been imposed with a default sentence of 06 weeks imprisonment, in addition he has been ordered to pay a sum of Rs.7500/= as compensation to prosecution witness No.2 with a default sentence of 06 weeks imprisonment. He was convicted for culpable homicide not amounting to murder on the 3rd count and sentenced to a term of 08 years Imprisonment and a fine of Rs. 1000/- with a default sentence of 06 months imprisonment, in addition he has been ordered to pay a sum of Rs. 500,000/=as compensation to prosecution witness No.7 with a default sentence of 02 years Rigorous Imprisonment.

Considering the submissions of Counsel for the accused-appellant and the learned Additional Solicitor General for the respondent, we decide to back date the sentence of 8 years imprisonment imposed on the 3rd count to the date of conviction which is 19.12.2013. We decide to enhance the default term of 02 years given in Count No. 3 to a term of 04 years. All the sentences should run concurrently other than the

default sentences. The default term of 04 years imprisonment with regard to the compensation should run consecutively. We affirm the conviction. Subject to the above variations in the sentence, the appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

L. U. JAYASURIYA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=