

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

Samarasinghe Kankanamalage Sirisena

**ACCUSED-APPELLANT**

C.A 47/2009  
H.C. Matara 135/2007

Vs.

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

**RESPONDENT**

**BEFORE:** Anil Gooneratne J. &  
Malinie Gunaratne J.

**COUNSEL:** Indika Mallawarachchi for the Accused-Appellant

Dappula de Livera for the Responden

**ARGUED ON:** 20.05.2014

**DECIDED ON:** 27.05.2014

**GOONERATNE J.**

The Accused-Appellant was convicted of murder of one Ranasinghe Liyanage Martin Sirisena and sentenced to death. The deceased had complained to the police that the Accused had cut some plantain trees belonging to the deceased. As a result the deceased complained to the police. Evidence suggest that there were only three houses in the compound where both the Accused and the deceased lived and the houses were situated in close proximity to each other.

The witness No. 1 was a 19 year old student who testified as regards the incident. The evidence reveal that the witness, her mother, sister, mother's sister and two of her unless lived in one of the above three houses which consisted of two rooms. One of the unless happened to be the deceased and the other uncle was disabled and cannot walk. The deceased and the other uncle stayed in a shed attached to the house, and the shed had some planks which has been used as the entrance to the shed which cannot be locked as a door. On the day of the incident the Accused had been shouting

and threatening the deceased to withdraw the police complain. All this happened at about 10.00 p.m and the Accused was armed with a club.

The Accused had damaged the plants with a club and entered the shed when the deceased was seated and had struck the deceased with the club several times. Witness was able to identify the Accused since a light was kept on and sufficient to identify the Accused? When the Accused assaulted the deceased with a club the deceased had not resisted.

At the hearing of this appeal it was suggested that the Accused had been provoked by the deceased. This court on perusal of the proceeding and the views of the learned High Court Judge finds that all suggestion had been rejected by the witness .

The prosecution case has been conducted properly and this court finds as stated by the trial Judge the case had been proved beyond reasonable doubt. The Accused had chosen to give evidence and it was the version of the Accused that he was provoked by the deceased. The learned High Court Judge has rejected the case of the Accused-Appellant.

The learned High Court Judge has correctly analysed all the evidence led before the High Court, inclusive of medical evidence. We see no

basis to interfere with the conviction and sentence imposed by the learned High Court Judge. As such conviction and sentence of the High Court is affirmed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunaratne J.

I agree.

JUDGE OF THE COURT OF APPEAL