

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

Court of Appeal case no : CA HC 127/2013

Gamini Kamal Ekanayaka

Complainant

Vs.

Hon Attorney General
Attorney General's Department
Colombo 12

Respondents

C. A No.127/2013

H.C. Matara No.143/09

Before : S.Devika de L. Tennekoon , J. and
S.Thurairaja,PC. J.

Counsel : Indika Mallawarachchi for the Accused-
Appellant.
H.I.Peiris D.S.G. for Respondent.

Decided on : 29.09.2017

S.Thurairaja, PC. J.

Accused-Appellant present in Court Produced by the Prison Authorities.

Counsel for the Accused-Appellant informs Court she has collected the brief and she was instructed by the Accused - Appellant to withdraw the appeal and to make an application under Section 359 of the Criminal Procedure Code to implement the sentence from the date of conviction. The Court inquired from the accused-appellant and he confirms that he had instructed his counsel to withdraw his appeal. Learned Deputy Solicitor

General has no objection to implement the sentence from the date of conviction because he is in the remand from the date of conviction.

Considering the application made by the counsel for the accused-appellant we allow the withdrawal and dismiss the appeal. We make order to implement the sentence from the date of conviction other conditions will remain as it is.

We direct the Prison Authorities to implement the sentence from the date of conviction namely 24/07/2013.

The Registrar is hereby directed to sent the case record back to the Registrar of High Court of Matara.

JUDGE OF THE COURT OF APPEAL

S.Devika de L. Tennekoon,J.

I agree.

JUDGE OF THE COURT OF APPEAL