

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

CA WRIT : 83/ 2016

Niyas Jeswan

Petitioner

Hon. Attorney General

Respondent

CA 83/2016

HC-Kalmunai-320/2015

Before : **Deepali Wijesundera, J. &**
Achala Wengappuli, J.

Counsel : Dr. Ranjit Fernando for the Accused
Appellant
Madhawa Tennekoon, SSC for AG

Argued &

Decided on : 25.05.2018

Deepali Wijesundera, J.

Appellant was indicted in the High Court of Kalmunai for committing grave sexual abuse punishable under Section 365(b) (2) (i) (b) of the Penal Code.

After trial, the learned High Court Judge has convicted the Appellant for the said offence and sentenced him for 8 years Rigorous Imprisonment together with a fine of Rs. 5000/- with a default term of 2 years Rigorous Imprisonment and he was also ordered to pay Rs. 75,000/- to the victim with a default term of 2 years Rigorous Imprisonment.

When this case was taken up for argument, the learned Counsel for the Appellant informed Court they are not contesting the conviction but only the sentence.

When considering the evidence lead at the trial, it is clear that there is evidence to say that the Appellant has committed

this offence. Therefore, the conviction has to be affirmed. Since there is a minimum mandatory sentence which is 7 years Rigorous Imprisonment, Court will have to consider this.

Considering the age of the Appellant and the victim and the evidence led at the trial, we decide to reduce the sentence to 7 years Rigorous Imprisonment commencing from the date of conviction, which is 16.03.2016.

Fine and the compensation ordered will remain as it is. Subject to the above variations, the judgement is affirmed.

Conviction should be operated from the date of convicting.

Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

Achala Wengappuli, J.

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-