

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

In the matter of an appeal under and in
terms of the Section 331 of the Code of
Criminal Procedure Act.

Democratic Socialist Republic of Sri Lanka.

HC Panadura Case No.1699/2003

Vs.

1. Kahawalage Priyanka Perera,
2. Kahawalage Upul Perera

ACCUSED

AND NOW BETWEEN

1. Kahawalage Priyanka Perera,
2. Kahawalage Upul Perera

ACCUSED - APPELLANTS

Court of Appeal Case No.CA/119/2016

Vs.

The Attorney General

RESPONDENT

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

Counsel : Shavindra Fernando, PC for Accused Appellant
Madhawa Thennakoon, SSC for AG

Decided on : 31.05.2018

Deepali Wijesundera, J.

Accused appellant is present in Court produced by the Prison Authorities

Appellant was indicted in the High Court of Panadura for murder punishable under Section 296 of the Penal Code. At the beginning of the trial there had been two accused. After trial one accused was acquitted and the Appellant was convicted for murder. This appeal is from the said judgement and conviction.

Counsel for the Appellant and the learned Senior State Counsel informs Court that considering the evidence and the judgement delivered in the High Court, it would be appropriate to bring down the charge for culpable homicide not amounting to murder punishable under Section 297 of the Penal Code.

Heard both counsel in support of this application and considering the judgment, evidence led at the High Court and the infirmities in the judgement, we decide that the charge should be amended to culpable homicide not amounting to murder punishable under Section 297 of the Penal Code.

The judgement dated 26.07.2016 delivered by the learned High Court Judge of Panadura is affirmed. And the appellant is convicted for culpable homicide not amounting to murder and a sentence of 5 years Rigorous Imprisonment is imposed on the Appellant. The date of conviction which was 26.07.2016 will be the date on which the conviction begins. A fine of Rs. 5000/- is imposed with a default term of 6 months.

Subject to the above variations, the appeal is allowed.

Registrar is directed to issue a copy of this judgement to the Prison Authorities and inform the Commissioner of Prisons about the variations in the sentence and conviction.

JUDGE OF THE COURT OF APPEAL

Achala Wengappuli, J.

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-