

IN THE MATTER OF AN APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

In the matter of an Appeal in terms of Section 331(1) of the Code of Criminal Procedure Act, No.15 of 1979 read with Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Herath Mudiyanse Udaya
Herath,
"Amarani", Nankadawara,
Pathirendawa,
Madampe.

Accused-Appellant

C.A. HCC No.235/2017

H.C. Colombo No.1907/2012

Vs.

Commission to investigate
Allegations of Bribery or
Corruption,
No.36, Malalasekera Mawatha,
Colombo 07.

Complainant-Respondent

Before : Justice K.K. Wickremasinghe, &
Justice Devika Abeyratne

Counsel : Anil Silva, PC with Isuru Jayawardana for Accused-
Appellant.
Menaka Munasinghe CIA BOC for Respondent.

Argued and
Decided on: 15.10.2020

Justice K.K. Wickremasinghe

Learned President's Counsel moves to withdraw the Appeal against the conviction and makes submissions with regard to the sentence.

Learned President's Counsel informs Court that the Appellant who was an inspector of Police, at the time of the offence was indicted under the Bribery Act. He was convicted and sentenced on 28.06.2017.

Respondent has no objection to backdate the sentence.

Considering the submissions made by the learned President's Counsel, the conviction is affirmed and the sentence of 7 years to run concurrently to be operative from the date of conviction and sentence namely 07.06.2017. The rest of the sentence and default sentences will remain as the same.

Accordingly, the Appellant has undertaken to pay penalty of Rs.500,000/=.

Conviction is affirmed and the sentence is varied.

Registrar is directed to send copies of this order to the Prison Authorities and to the High Court of Colombo.

JUDGE OF THE COURT OF APPEAL

Justice Devika Abeyratne,

I agree.

JUDGE OF THE COURT OF APPEAL

Lwm/-