

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

In the matter of an Appeal under Section 331 (1) of the Criminal Procedure Code of No. 15 of 1979.

Democratic Socialist Republic of Sri Lanka.

Complainant

Court of Appeal Case No.

CA/HCC/0271/2023

High Court of Embilipitiya Case No.

HC 33/2016

Vs

Nammuni Arachchige Nimal Ranjith,
No. 752, Nawodagama,
Sevanagala.

Accused

AND NOW BETWEEN

Nammuni Arachchige Nimal Ranjith,
No. 752, Nawodagama,
Sevanagala.

Accused –Appellant

Vs

Democratic Socialist Republic of Sri Lanka.

Complainant - Respondent

Before : **P. Kumararatnam, J.**

Pradeep Hettiarachchi, J.

Counsel : P.K.Prince Perera for the Accused-Appellant
Shanaka Wijesingha ASG for the Respondent

Argued on : 11.11.2025

Decided on : 06.02.2026

Pradeep Hettiarachchi. J.

Judgment

1. The sole question that arises for determination in the present appeal is whether the sentence imposed on the accused-appellant (hereinafter referred to as the appellant) by the learned trial Judge is excessive, having regard to the circumstances of the case. The indictment against the appellant comprised four counts of attempted murder.
2. Upon the conclusion of the trial before a Judge of the High Court without a jury, the appellant was found guilty on all four counts and was accordingly convicted. The learned trial Judge sentenced the appellant to five years' rigorous imprisonment on each count. In addition, the appellant was fined a sum of Rs. 5,000.00 on each count, with a default sentence of twelve months' imprisonment.
3. Further, the learned trial Judge directed that the terms of imprisonment imposed on the 1st and 2nd counts shall run concurrently, and that the terms of imprisonment imposed on the 3rd and 4th counts shall also run concurrently.
4. In the present appeal, the appellant has confined his argument solely to the sentence imposed. The appellant contended that the sentence is excessive and accordingly urged this Court to direct that the sentences imposed in respect of all four counts be ordered to run concurrently.
5. In imposing sentence upon a convicted person, the court is required to consider both mitigating factors and aggravating circumstances. The court must also take into account the principle of deterrence and its impact on society at large.
6. In determining the deterrent value of a sentence, the Court must have due regard to the facts and circumstances of each case, including the nature of the offence, the manner in which it was planned and executed, the motive for its commission, the conduct of the accused before, during, and after the offence, the nature of the weapons or means employed, and all other attendant circumstances relevant to the gravity of the crime.

7. The consideration of aggravating or mitigating circumstances is generally relevant to the assessment of the seriousness of an offence. The weight to be accorded to such considerations in sentencing depends on the circumstances of each case, and the Court may take into account any factor it deems to aggravate or mitigate the sentence to be imposed. Accordingly, the proportionality of the sentence to the gravity of the offence must be carefully and cogently reasoned.
8. The following authorities underscore the importance of imposing a sentence proportionate to the gravity of the offence and provide key guidelines to assist in determining an appropriate sentence.
9. As held in the case of ***Alister Anthony Pereira vs. State of Maharashtra [2012] AIR 3820 (SC)***,

“Sentencing policy is an important task in the matters of crime. One of the prime objectives of criminal law is imposition of appropriate adequate just and proportionate sentence commenced with the nature and gravity of the crime and the manner in which the crime is done. There is no straight-jacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: Twin objectives of sentencing policy are deterrence and correction what sentence would meet the ends of Justice depends on the fact and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offense and all other attendant circumstances. The principle of proportionality in sentencing is a crime duo is well entrenched in criminal jurisprudence. As a matter of law proportion between crime and punishment bears mostly relevant influence in determination of sentencing the crime to a full stop the court has to take into consideration all aspects including social interest and consciousness of the Society for award of appropriate sentence.”

10. In ***Illakotulena Gamaralalage Thilakerathna Officer in Charge, Motor Traffic Division, Police Station, Kandy SC Appeal No. 173/2017***, decided on: 22/10/2024, the Supreme Court observed that:

Consideration of aggravating or mitigatory circumstances generally, has relevance to the assessment of the seriousness of the offence. The appropriate

effect on such consideration in sentence would depend on the circumstances of each case, in which the Court can take note of any factor it considers to aggravate or mitigate the imposed sentence. As such, the consideration of proportionality of the sentence to the gravity of the convicted offence, must be well reasoned.

11. In ***Attorney General vs. Mendis (1995) 1 SLR 138***, Gunasekara, J. held that,

“Once an accused is found guilty and convicted on his own plea or after trial the judge in deciding on sentence, should consider the point of view of the accused on the one hand and the interest of society on the other. The nature of the offence committed the machinations and manipulations resorted to by the accused to commit the offence, the effect of committing such a crime insofar as the institution or organization in respect of which it has been committed, is concerned, the persons who are affected by such crime the ingenuity with which it has been committed and the involvement of others in committing the crime are matters which the judge should consider.

12. The authorities cited below underscore the principle that extending undue sympathy by imposing an inadequate sentence not only compromises the integrity of the judicial system but also risks undermining public confidence in the administration of justice.

13. In ***Earabhadrapa Vs. State of Karnataka [(1983) 2 S.C.C. 330]*** Court observed:

“ A sentence or pattern of sentence which fails to take due account of the gravity of the offence can seriously undermine respect for law. It is the duty of the court to impose a proper punishment depending upon the degree of criminality and desirability to impose such punishment as a measure of social necessity as a means of deterring other potential offenders. ”

14. In ***Sevaka Perumal etc v State of Tamil Nadu (1991) AIR SC 1463*** the Court held that:

Undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and the society cannot long endure under such serious threats. It is, therefore, the duty

of every court to award proper sentence by having regard to the nature of the offence and the manner in which it was executed or committed.

15. In ***Dhananjay Chatterjee v State of W.B. (1994) 2 SCC 220*** the Court held that:

“The imposition of appropriate punishment is the manner in which the Court respond to the society’s cry for justice against the criminal. Justice demand that Court should impose punishment befitting the crime so that the Courts reflect public abhorrence of the crime.”

16. In ***State of M.P. Vs. Munna Choubey & Another [(2005) 2 S.C.C. 710]***, this question has again been dealt with. The Supreme Court observed:

"Imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise. The social impact of the crime e.g. where it relates to offences against women, dacoity, kidnapping, misappropriation of public money, treason and other offences involving moral turpitude or moral delinquency which have great impact on social order and public interest, cannot be lost sight of and per se require exemplary treatment. Any liberal attitude by imposing meagre sentences or taking too sympathetic view merely on account of lapse of time in respect of such offences will be result wise counterproductive in the long run and against societal interest which needs to be cared for and strengthened by string of deterrence inbuilt in the sentencing system."

17. In the instant case, the appellant was indicted on four counts of attempted murder. At the relevant time, the appellant was employed as a sanitary labourer at the Sevanagala Hospital. PW1 was a Medical Officer attached to the same hospital and was residing in the official quarters of the hospital together with his wife and two minor children. The charges of attempted murder against the appellant are founded on the allegation that he had introduced pesticide into the overhead water tank supplying water to the official quarters occupied by PW1 and his family.

18. Thus, the appellant employed one of the most lethal methods in an attempt to murder the victims, and it was only due to timely detection that their deaths were averted. Unlike a physical assault arising out of a sudden fight or argument, this act was

premeditated and carefully designed so as to minimize the possibility of detection or observation. Furthermore, as evidenced by the testimony of Professor Ravindra Fernando, the long-term consequences resulting from the poisoning of the victims cannot be overlooked. The opinion expressed by Professor Ravindra Fernando regarding the effects of MCPA poisoning remains unchallenged.

19. It is also pertinent to note that the appellant was employed as a sanitary laborer at the same hospital where PW1 was working. Owing to the trust reposed in the appellant by PW1, the appellant gained access to the quarters in which PW1 resided with his family.
20. The manner in which the appellant introduced poison into the water tank amply demonstrates the seriousness of the offence and leaves little, if any, room for mitigation. Furthermore, as evidenced by the testimony of Professor Ravindra Fernando, the after-effects of such poisoning cannot be predicted with certainty, as further complications may arise in the victims with the passage of time.
21. In mitigation, learned counsel for the appellant submitted that the appellant has no previous convictions, is 55 years of age, and is the sole breadwinner of his family. It was further contended that the appellant has two school-going children and that prolonged incarceration would adversely affect the entire family.
22. It is pertinent to emphasize that, had the appellant's attempt succeeded, it would have resulted in the agonizing loss of the entire family of PW1. The two young children of PW1 remain unaware of the potential long-term consequences of the appellant's act. Moreover, the wife of PW1 was pregnant at the relevant time, and her evidence amply demonstrates the physical and mental anguish she endured during that period. During the trial, evidence was led regarding the symptoms they developed as a result of the poisoning, which clearly demonstrates the gravity of the offence committed by the appellant.
23. The appellant, who was a frequent visitor to the residence of PW1, could not have been unaware of the presence of the two children. Nevertheless, in committing the offences, he paid little or no regard to the grave risk posed to their lives and well-being.

24. Moreover, the *modus operandi* adopted by the appellant, when considered in its entirety, does not persuade this Court to extend any clemency towards him. The appellant had every reason to believe that the introduction of poison into the overhead water tank would eliminate the entire family who depended on that source of water. This Court cannot lose sight of the physical and mental agony endured by PW1 and his family following the incident, nor of the uncertainty they continue to face regarding potential future health complications arising from the appellant's actions.
25. Having carefully considered the aggravating and mitigating circumstances, the nature and gravity of the offence, the premeditated manner in which it was committed, the grave risk posed to multiple innocent lives including young children, and the enduring physical and psychological consequences suffered by the victims, I am of the view that the sentence imposed by the learned trial Judge is not excessive at all. The mitigating factors advanced on behalf of the appellant do not, in the circumstances of this case, warrant any reduction of the sentence imposed.
26. At the same time, the aggravating circumstances in this case clearly outweigh the mitigating factors and call into question whether any lesser sentence could adequately reflect the gravity of the offences, given the cruel and premeditated manner in which the appellant carried them out.
27. The manner in which the appellant introduced poison into the water tank, the immediate and potential consequences faced by PW1 and his family, and the cruel and premeditated nature of his conduct all compel this Court to send a clear message to society: our courts will neither tolerate such grave and inhuman acts nor show any leniency in dealing with offences of this nature.
28. It is desirable to emphasize that the object of imposing an appropriate sentence, having due regard to the gravity of the offence, is to ensure that crime does not go unpunished and that the victim, as well as society at large, is satisfied that justice has been duly administered.
29. In ***Dhananjoy Chatterjee v. State of West Bengal, (1994) 2 SCC 220***; it was held:

In our opinion, the measure of punishment in a given case must depend upon the atrocity of the crime; the conduct of the criminal and the defenceless and

unprotected state of the victim. Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime. The courts must not only keep in view the rights of the criminal but also the rights of the victim of crime and the society at large while considering imposition of appropriate punishment.

30. In ***Purushottam Dashrath Borate Vs. State of Maharashtra, (2015) 6 SCC 652*** court observed:

It is an established position that law regulates social interests and arbitrates conflicting claims and demands. Security of persons is a fundamental function of the State which can be achieved through instrumentality of criminal law. The society today has been infected with a lawlessness that has gravely undermined social order. Protection of society and stamping out criminal proclivity must be the object of law which may be achieved by imposing appropriate sentence. Therefore, in this context, the vital function that this Court is required to discharge is to mould the sentencing system to meet this challenge. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused and all other attending circumstances are relevant facts which would enter into the area of consideration. Based on the facts of the case, this Court is required to be stern where it should be and tempered with mercy where warranted.

31. In circumstances such as the present, where the appellant has demonstrated a complete disregard for the lives of PW1 and his family members, allowing him to evade the severest punishment permitted by law would undermine public confidence in the administration of justice and convey an erroneous signal to society.
32. Given the malice revealed by the evidence, the imposition of a lesser sentence would be wholly inconsistent with the gravity of the offence and would risk eroding public confidence in the justice system. In cases of this nature, the need for deterrence assumes particular significance, as it is this aspect of sentencing that most effectively reflects societal expectations and advances the broader interests of justice.

33. Having regard to the aforesaid authorities which lay down the principles and guidelines for the imposition of sentence, and after a careful analysis of the facts of the present case, I am of the opinion that the sentence of five years' rigorous imprisonment and the fine of Rs. 5,000/- imposed on the appellant cannot be said to be commensurate with the gravity of the offences committed.
34. The learned Additional Solicitor General submitted that, having regard to the manner in which the accused-appellant poisoned PW1, his wife, and their two children, the sentence imposed by the learned trial Judge is very obviously inadequate. He further contended that there are no grounds whatsoever to warrant a reduction of the sentence and, conversely, compelling reasons exist for its enhancement. In this regard Section 336 of the Code of Criminal Procedure Act No 15 of 1979 would be of much relevance. Section 336 reads:
- "On an appeal against the sentence, whether passed after trial by jury or without a jury, the Court of Appeal shall, if it thinks that a different sentence should have been passed, quash the sentence, and pass other sentence warranted in law by the verdict whether more or less severe in substitution therefor as it thinks ought to have been passed.*
35. The above section is clear and unambiguous. It confers upon the appellate court the power to vary a sentence already imposed by the trial court, including the power to quash, enhance, or reduce the sentence, as the circumstances may warrant.
36. It is pertinent to note that when the learned Additional Solicitor General articulated his position on the inadequacy of the sentence, having regard to the gravity of the offence, learned Counsel for the appellant failed to advance any cogent or persuasive grounds as to why the sentence imposed by the learned trial Judge ought not to be enhanced.
37. Learned Counsel for the appellant merely submitted that, having regard to the age of the appellant, the sentence ought to be reduced. It was further contended that the appellant has school-going children and that this circumstance should be taken into consideration in mitigation when determining the sentence.

38. Having regard to the attendant circumstances in the present case, it is my considered view that this is a fit and proper case for the application of Section 336. More importantly, the aggravating circumstances in this case do not justify any clemency towards the appellant. The unprovoked act committed by the appellant, at the instigation of another, precludes this Court from showing any mercy in the matter.
39. Having carefully considered the totality of the facts and circumstances of the present case, including the premeditated and insidious manner in which the accused introduced poison into the overhead water tank, the grave risk posed to the lives of PW1, his pregnant wife, and their two minor children, the long-term and unpredictable health consequences highlighted by the expert medical evidence, and the clear absence of any mitigating circumstances sufficient to outweigh the aggravating features of the offence, I am of the view that the sentence imposed by the learned trial Judge does not adequately reflect the gravity of the offence.
40. Accordingly, this Court is compelled, in the interests of justice and public confidence in the administration of criminal justice, to enhance the sentence. Accordingly, the sentence of five years' rigorous imprisonment and the fine of Rs. 5,000/- imposed on each count is varied.
41. The appellant is sentenced to 12 years' rigorous imprisonment on each count, with the sentences to run concurrently. The fine of Rs. 5,000/- on each count is maintained, with a default sentence of twelve months' simple imprisonment.
42. Subject to the aforesaid variations, the appeal is dismissed.

Judge of the Court of Appeal

P.Kumararatnam, J.

I agree.

Judge of the Court of Appeal