

**THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST**

**REPUBLIC OF SRI LANKA**

In the matter of an appeal under and in terms of section 331 of the Criminal Procedure Code No. 15 of 1979

Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**Complainant**

**Vs**

Court of Appeal Case No:

**CA/HCC/0147/2023**

High Court of Anuradhapura Case

No: **SHC 91/17**

Rajapaksha Muthunayakage Dharmasiri  
Jayalath,  
No 6, Jana Udana Gama,  
Morakewa,  
Anuradhapura

**Accused**

**AND NOW BETWEEN**

Rajapaksha Muthunayakage Dharmasiri  
Jayalath,  
No 6, Jana Udana Gama,  
Morakewa,  
Anuradhapura

**Accused – Appellant**

**Vs**

Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**Complainant - Respondent**

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

Counsel : Channa Galappaththige for the Accused – Appellant.  
Maheshika Silva, DSG for the State.

Argued on : 12.12.2025

Decided on : 13.02.2026

**Pradeep Hettiarachchi, J**

**Judgment**

1. The accused-appellant (hereinafter referred to as the appellant) was initially indicted before the High Court of Anuradhapura for committing grievous hurt by burning the foot of Ranjani Kumari (hereinafter referred to as the victim) using a heated iron rod, an offence punishable under Section 317 of the Penal Code. However, at the conclusion of the trial, the learned High Court Judge found the appellant guilty of causing simple hurt and accordingly convicted him under Section 315 of the Penal Code, as the evidence did not support a conviction under Section 317.
2. The learned High Court Judge sentenced the appellant to two years' rigorous imprisonment, suspended for five years. A fine of Rs. 7,500.00 was also imposed, with a default sentence of six months. Furthermore, the learned High Court Judge ordered the appellant to pay the victim Rs. 500,000.00 as compensation, failing which he shall serve a further six months' rigorous imprisonment.
3. In the petition of appeal, the appellant initially sought to have the conviction and sentence quashed and to be acquitted of the charge. Nonetheless, at the hearing of the appeal, the court was informed that the appellant would only contest the sentence. The appellant prayed that the fine imposed be converted to State costs, so that, as a

government servant, he would not lose his employment or his pension benefits upon retirement.

4. Opposing the appellant's request to convert the fine to a state cost, the learned Deputy Solicitor General submitted that, having regard to the cruel manner in which the offence was committed and the nature of the injuries sustained by the victim, there is no justification for granting such relief.
5. When a request is made for a reduction of sentence, the Court is required to carefully consider both the aggravating and mitigating factors present in the case. At the time of the incident, the appellant was a school teacher attached to the Kebithigollewa Education Office as an instructor. The victim, who suffered from epilepsy, had sought treatment from various sources for her condition.
6. The appellant, despite his profession as a teacher, also performed ritualistic treatments at a 'Devalaya' he operated. According to the prosecution, when the victim was brought to the 'Devalaya,' the appellant applied oil to her soles and subsequently burned them with a heated iron rod. The victim lost consciousness and was initially admitted to the Horowpathana Hospital before being transferred to the Anuradhapura Hospital for further treatment.
7. Following investigations, the police arrested the appellant. The central question for consideration in this appeal is whether the circumstances of the case warrant the conversion of the fine into State costs. In this regard following authorities would be of much relevance.
8. In *Mohamed Mustapha Faisz v Attorney General CA 86/2009 dated 15.11.2011*, the Accused-Appellant was a government teacher who has been indicted before the High Court of Ampara under section 308 A (2) of the Penal Code for causing cruelty to children. After the trial, the learned High Court Judge has convicted the Accused-Appellant for the said offence and imposed a two and half years of rigorous imprisonment and a fine of Rs. 1000/- and a default sentence of six months' imprisonment. Additionally, the Court also ordered the Accused-Appellant to pay a sum of Rs. 10,000/- as compensation and to serve two years of imprisonment in the event of default. The Accused- Appellant did not contest the conviction, but sought

some relief regarding the sentence imposed on him. Exercising the discretion of the Court in favor of the Accused-Appellant, Lecamwasam J reduced the term of imprisonment from two and half years to two years and suspend the term for a period of five years. Most importantly, he ordered the fine of Rs. 1000/- to be treated as State costs.

9. In *Illayathmaby Naguleskaran v Attorney General SC SPL/LA/176/2016 (SC Minutes dated 27.10.2016)*, the Supreme Court granted leave on the questions of law raised by the learned Counsel for the Accused-Appellant and further reduced the fine of Rs. 65,000/- imposed by the learned Magistrate to 50,000/-.
10. However, even after the appeal was allowed, the matter was once again mentioned to make an application on behalf of the Appellant to vary the aforesaid order given by the Supreme Court. Accordingly, the Supreme Court by its Order dated 21.03.2017, allowed the said application made by the Counsel for the Appellant to vary the word 'fine' to read as 'State costs', thereby treating the fifty thousand Rupee fine imposed on the Accused-Appellant by its previous order as State costs.
11. In the present case, the appellant seeks only to have the fine treated as a State cost. He does not challenge either the quantum of compensation ordered or the sentence imposed upon him. It is significant to note that the learned trial Judge, having considered the circumstances of the case, imposed a term of imprisonment but suspended it for a period of five years.
12. The appellant's concern is that, as a public servant, the imposition of a fine would adversely affect his future employment benefits, particularly his pension entitlements upon retirement.
13. It is also significant to note that the appellant has already paid Rs. 195,000.00 to the victim while the case was pending. Furthermore, the learned trial Judge ordered the appellant to pay an additional Rs. 500,000.00 in compensation. Crucially, the injuries caused to the victim did not result from any cruel or malicious intent; rather, they occurred while the appellant was attempting to treat her illness using traditional, albeit unacceptable, methods.

14. As a public servant, the appellant should not be deprived of his livelihood due to a solitary incident that occurred without premeditation or criminal intent, particularly in the absence of any evidence suggesting a prior history of such behavior.
15. Furthermore, the appellant is the sole breadwinner for his family, supporting two children and an unemployed spouse. Should the fine not be converted to State costs, the resulting loss of employment and pension benefits would severely jeopardize his financial stability post-retirement and place an undue financial burden on his dependents.
16. More importantly, the appellant's continued government salary is essential to ensure he has the financial capacity to pay the Rs. 500,000.00 compensation ordered by the Court for the benefit of the victim.
17. Considering the non-grievous nature of the injuries sustained by the victim, as well as the absence of any malicious intent on the part of the appellant, I am of the view that this is a fit and proper case to impose State costs in lieu of a fine. Furthermore, such an order would not cause prejudice to any of the parties involved.
18. In light of the above, and taking into account the specific circumstances of the offence alongside the disproportionate consequences the Petitioner would face through the imposition of a fine, I hereby order that the fine of Rs. 7,500.00 be treated as State costs. The appeal is allowed to this extent only.
19. The Registrar of this court is directed to send a copy of this Order to the High Court of Anuradhapura forthwith.

**Judge of the Court of Appeal**

**P. Kumararatnam,J**

I agree,

**Judge of the Court of Appeal**