

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

**CA 173/2010**

H.C. Badulla No.38/02

Aththanayake Mudiyanseelage Siripala  
Kumbure Gedara,  
Udugama,  
Passara.

**Appellant**

**Vs.**

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

**Respondent**

**C.A.173/2010** - **H.C. Badulla No.38/02**

**Before** : **Sisira de Abrew, J. and  
Sunil Rajapakshe, J.**

**Counsel** : Amila Palliyage for the Accused-Appellant.  
Shanil Kularathne SSC for A.G.

**Argued and  
Decided on** : 28.01.2013.

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**Sisira de Abrew, J.**

Heard both counsel in support of their respective cases.

The Accused-appellant in this case was convicted of the murder of a man named Kulathunga Arachchilage Piyasena and was sentenced to death. Being aggrieved by the said conviction and the sentence the accused-appellant has appealed to this Court.

Facts of this case may be briefly summarised as follows:-

On the day of the incident the accused-appellant assaulted the deceased with an iron rod. This was witnessed by Wasantha and

Wijesinghe who gave evidence. On seeing that some people have gathered near the accused- appellant's house, one Cyril a person living in the neighbourhood of the accused-appellant went to the accused-appellant's house and found the deceased person hanging to the beam of the roof by two hands. According to the post-mortem report deceased person had several injuries. The accused+appellant, in his dock statement, stated that he has nothing else to state except the matters set out in his appeal submitted to the Judge on the previous day. But we find that no such appeal had been submitted by the accused-appellant on the previous day. When we consider the evidence at the trial we feel that there are no reasons to interfere with the judgment of the learned trial Judge. We therefore affirm the conviction and the death sentence and dismiss the appeal.

*Appeal dismissed.*

**Judge of the Court of Appeal**

**Sunil Rajapakshe,J.**

I agree

**Judge of the Court of Appeal**

WC/-