

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

CA 232-2005

KANDY HIGH COURT CASE NO. JURY 1929/99

Bambarunde Yapa Mudiyanse WICKRAMASINGHE

Appellant

Vs.

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

Complainant Respondent

CA 232-2005

KANDY HIGH COURT
CASE NO. JURY 1929/99

Before : Sisira De Abrew J.
Sunil Rajapakshe, J.

Counsel : Accused-Appellant is absent and unrepresented.
V.K. Malalgoda A.S.G. for the Respondent.

Decided on : 16.01.2013

Sisira De Abrew J.

Accused-Appellant is absent and unrepresented.

Chief Jailer of Welikada by his letter dated 7th December 2012 addressed to the Registrar of this Court has informed that the Accused-Appellant has escaped from the Prisons. Learned Additional Solicitor General is heard in support of his case.

The Accused-Appellant in this case was convicted for raping a girl named Polwatte Gallage Shamalee and was sentenced to a term of 10 years rigorous imprisonment, to pay a fine of Rs. 2000/- carrying a default sentence of two months rigorous imprisonment and to pay a sum of Rs. 10,000/- to the victim carrying a default sentence of six months rigorous imprisonment. Being aggrieved by the said conviction and the sentence the Accused-Appellant has appealed to this court. According to the facts of this case the Accused-Appellant who was working in the boutique of the father of the victim has come to the house of the victim and raped her. After committing sexual intercourse on the girl the Accused-Appellant has threatened the girl not to divulge the

incident to anybody. Later the principal of her school Neeta Dissanayake on an anonymous Petition sent to her has found that the girl was pregnant. Doctor has given evidence confirming the pregnancy of the girl. At the time of the incident the victim was 11 years old girl. The accused, in his dock statement, denied the incident. When we examine the evidence of the case we feel that there are no reasons to interfere with the judgment of the Learned High Court Judge. We therefore, affirm the conviction and the sentence and dismiss the appeal. Since the accused appellant is absconding the Learned High Court Judge should take necessary step to arrest the accused. The sentence imposed by the learned High Court Judge should be implemented from the date on which the accused-appellant is brought before the High Court or surrenders to the High Court.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.