

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

**REPUBLIC OF SRI LANKA**

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

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

**Complainant**

Court of Appeal Case No:  
**CA/HCC/0205/2025**

**Vs**

High Court of Chilaw Case No:  
**HC/42/21**

Anton Norbet Laktansiv Kurera

**Accused**

**AND NOW BETWEEN**

Anton Norbet Laktansiv Kurera  
Presently at Welikada Prison (N0. 53500)

**Accused – Appellant**

**Vs**

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

**Complainant – Respondent**

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

Counsel : Shantha Perera, PC with Nipuni Ashahari instructed by Sudarshani  
Ukwatta for the Accused – Appellant.  
: Dileepa Peiris, A.S.G for the Respondent.

Argued on : 23.02.2026

Decided on : 21.05.2026

**Pradeep Hettiarachchi, J**

### **Judgment**

1. The Accused-Appellant (hereinafter referred to as “the Appellant”) was indicted before the High Court of Chilaw on three counts of grave sexual abuse during the period of 01.01.2017 – 31.07.2017, within the jurisdiction of the Chilaw High Court, the Appellant by using the Appellant’s genitals on any orifice or part of the body of a girl below 16 years namely, Purawara Arachchige Sasmita, committed an offence of grave sexual abuse, which is an offence punishable under Section 365B (2)(b) of the Penal Code as amended by the Acts No. 22 of 1996, 29 of 1998 and 16 of 2006.
2. Upon the Appellant pleading not guilty to the charge, the matter was taken up for trial. At the conclusion of the trial, the Learned High Court Judge found the Appellant guilty on the first count of the indictment and convicted him accordingly. Consequently, the Appellant was sentenced to 11 years’ rigorous imprisonment. In addition, the Appellant was ordered to pay a fine of Rs.

200,000/-, in default of which he is to undergo six months' simple imprisonment. The Appellant was further directed to pay a sum of Rs. 300,000/- as compensation to the Prosecutrix, in default of which he is to undergo one year's simple imprisonment. The Appellant was acquitted of the 2<sup>nd</sup> and 3<sup>rd</sup> counts of the indictment.

3. The grounds of appeal advanced by the Appellant are as follows;
  - a. The Learned Trial Judge has failed to consider the material infirmities in the prosecution case and has failed to consider and deal with vital contradictions/omissions, especially per se in the evidence of the Complainant, victim child, and inter se between the Complainant and her mother, and then of the other, which have created reasonable doubts in the evidence.
  - b. The Learned High Court Judge has not adequately considered and evaluated the test of probability, and/or has considered very vital points incorrectly in this matter.
  - c. The Learned High Court Judge erred in law in failing to properly consider and evaluate the entire evidence before her in totality.
4. At the commencement of the trial, the Learned Trial Judge, based on the posed preliminary questions to the prosecutrix, was satisfied as to her capacity to understand and respond rationally, and accordingly determined that she was a competent witness in terms of Section 118 of the Evidence Ordinance.
5. At the time of the alleged incident, PW1, the prosecutrix, was a child of tender age, being approximately five years of age and a pre-school attendee. It is in evidence that she regularly travelled to and from the said pre-school in a three-wheeler, which was driven by the Appellant, together with several other children.

According to PW1, she was the last child to be dropped off when returning home from pre-school.

6. According to the testimony of PW1, on the date of the incident, after the Appellant had dropped off the other children, taken the prosecutrix to his own residence in the said three-wheeler, at which time she was the sole remaining child therein.
7. The Appellant purportedly escorted the prosecutrix to his residence. Upon arrival, the Appellant directed the prosecutrix, who was dressed in her uniform, to sit upon a bed. It is alleged that the Appellant lowered the prosecutrix's undergarment to the level of her knees and proceeded to touch her virginal area.
8. Notwithstanding the occurrence of the said incident, the prosecutrix did not make an immediate disclosure to any member of her household; however, she revealed the material facts to her mother on the following day.
9. PW1 further testified to a separate incident, stating that the Appellant had taken the prosecutrix to Kuruppane Beach, traveling past the Ananthaya Hotel, where her father was employed at the material time. On that occasion, it is alleged that the Appellant removed his trousers and solicited the prosecutrix to spit on his penis. Upon the prosecutrix commencing to cry, the Appellant returned her to her residence.
10. Having regard to her tender age, PW1 was not in a position to competently testify as to the precise circumstances or reasons for the delay in informing her mother of the incident. Nevertheless, she consistently maintained in her evidence that such disclosure was made to her mother on a Friday.
11. Upon being apprised of the aforesaid incident, PW2, the mother of the prosecutrix, lodged a complaint at the Arachchikattuwa Police Station,

consequently to which the prosecutrix was admitted to the General Hospital of Chilaw for medical examination.

12. It is observed that a substantial number of infirmities have been marked in the testimony of PW1. Accordingly, it becomes necessary to examine whether such infirmities materially affect the probative value of her evidence and the degree of credibility that may be attached thereto, particularly in determining whether a conviction can be safely sustained on the basis of her testimony alone, bearing in mind that she was a child of five years at the time of the alleged incident and about 11 years at the time of giving evidence before the Court.

13. During the cross-examination, PW1 questioned about the alleged incident at the beach. It was elicited that, in her statement to the Police, she had made no reference whatsoever to any such incident. Notwithstanding this omission, PW1 firmly denied the suggestion put to her that she had never been to the said beach.

14. Further, it is to be noted that in the statement given to the Police, the prosecutrix failed to mention several material particulars, namely that the Appellant had asked her to sit on a bed, sat beside her, lowered her undergarment up to her knees whilst she was laying on the bed, and thereafter touched her vaginal area. These infirmities were marked as omissions by the Learned Counsel of the Appellant.

15. PW1, in her evidence, testified before the court that upon being taken to the Appellant's residence, she was asked to lay on a bed by the Appellant. However, in her statement to the Police, she had stated that she was asked to sit on a chair “පුටුවක ඉදගන්න කියනවා.” (vide 1D1, marked in evidence at page 131 of the Appeal Brief)

16. Further, the PW1 testified that the Appellant had touched only her vaginal area. However, in her statement to the Police, she had alleged that the Appellant had

touched her breast area. “මගේ ඉස්කෝලේ ඇඳුමට යටින් අනදාලා පපුව අනගැවා.”  
(vide 1D2, marked in evidence at page 131 of the Appeal Brief)

17. It is further observed that in her statement to the Police, PW1 had stated that the Appellant had taken her to his house on three separate occasions, whereas in her evidence before the Court, she testified only in respect of a single such occasion. “මේ විදියට තුන්පාරක් ඒ ගෙදරට එක්කන් ගියා.” (vide 1D4, marked in evidence at page 133 of the Appeal Brief)

18. According to the brief history recorded by the JMO, it is stated that the Appellant had touched the prosecutrix over her uniform in the genital region and had kissed her breast region. (vide 1D5 and 1D6, marked in evidence at pages 133,134 of the Appeal Brief)

19. Further, PW1 testified that she did not enter the Police Station, and that her mother alone went inside while she remained outside. Consequently, she asserted that no statement had been recorded from her personally by the Police.

20. Notwithstanding the significant number of omissions and contradictions marked in PW1’s evidence, it is observed that she consistently maintained, throughout her evidence, that the Appellant had subjected her to sexual abuse. In particular, she did not deviate from her assertion that the Appellant had taken her to his residence and to the beach and had assaulted her.

“ප්‍ර: කවදාකවත් මේ විත්ති කුඩුවේ ඉන්න අන්කල් ඔය බබාව ගෙදරට ගෙනියලා කිසිම හිරිහැරයක් කෙරුවේ නැහැ කියල මම බබාට කියනවා?

උ: එක දවසක් කලා.

ප්‍ර: ගෙදරට ගෙනියලා ?

උ: එහෙමයි.

ප්‍ර: සම්පූර්ණ බොරු කියන්නේ කියලා මම බබාට කියනවා?

උ: ඇත්ත කියන්නේ.

ප්‍ර: බබාට එහෙම කිසිම දෙයක් මේ අන්කල් කරලා නැහැ?

උ: කළා.

ප්‍ර: කලීසම ගලවලා වූ කරන ප්‍රදේශය අතගැවා කියල බබා කියන ආකාරයේ කිසිම දෙයක් කෙරුවා කියල කියන්නේ අමුලික බොරුවක් කියල මම කියනවා.

උ: ඇත්ත.

ප්‍ර: ඒ වගේම බීචි එකට ගිහිල්ල විත්තිකර අන්කල් කලීසම ගලවගන්නා කිව්වා නේද?

උ: එහෙමයි.” (vide page 137 of the Appeal Brief)

21. It is pertinent to note that in an offense of this nature, a victim cannot be expected to recount every detail with photographic memory at trial; such an event constitutes a deeply traumatic experience, which a child of tender years would not naturally seek to recollect or preserve with exactitude. On the contrary, there is often a tendency to suppress or erase such distressing memories with the passage of time. Consequently, in my opinion, trivial or insignificant omissions and discrepancies in the testimony of the prosecutrix should not be given undue prominence.

22. In ***Sunil vs. Attorney General*** [1999] 3 Sri LR 191, it was held that;

*“[...] Nevertheless, the Court must not be unmindful of the fact that they are human witnesses and it is a hall mark of human testimony that such evidence is replete with mistakes, inaccuracies and misstatements. Though one has to be careful in the assessment of evidence given by the bribery officers, the Court has to be equally mindful of the fact that the evidence tendered by human testimony will suffer from certain deficiencies and defects [...]” (At pg. 193)*

23. In particular, the Learned Trial Judge has, on several occasions, observed that the prosecutrix appeared uncomfortable whilst giving evidence, especially when questioned regarding the alleged incidents. It is of significance that the Learned Trial Judge was afforded the distinct advantage of observing the demeanor of the

witness firsthand, an advantage not available to an Appellate Court. Accordingly, such observations assume considerable importance, and an Appellate Court ought not to lightly interfere with findings based on the Trial Judge's assessment of the witness's demeanor.

24. In *Alwis vs. Piyasena Fernando (1993) 1 Sri. L R 119*, it was held that:

*"It is well established that findings of primary facts by a trial Judge who hears and sees witnesses are not to be lightly disturbed on appeal."*

25. Similar sentiments were articulated in *Dharmasiri vs. Republic of Sri Lanka [2010] 2 Sri. L.R.241*, where it was held that:

*"Credibility of a witness is mainly a matter for the trial Judge, the Court of Appeal will not lightly disturb the findings of a trial Judge with regard to the credibility of a witness unless such findings of the trial Judge are manifestly wrong."*

26. In the Court of Appeal decision of *Kumar de. Silva and 2 others vs. Attorney General [2010] 2 Sri LR 169*, Sarath de. Abrew J had held that;

*"Credibility is a question of fact, not of law. The acceptance or rejection of evidence of witnesses is therefore a question of fact for the Trial Judge."*

27. In *Ariyadasa V. Attorney General [2012] 1 Sri LR 84*, the Court of Appeal held that;

*"Court of Appeal will not lightly disturb a finding of a Judge with regard to the acceptance or rejection of a testimony of a witness, unless it is manifestly wrong, when the Trial Judge has taken such a decision after observing the demeanour and deportment of a witness....."*

28. Accordingly, in evaluating the evidence of PW1, it is necessary to do so within the proper context of a child witness. Due regard must be had to the fact that a child cannot be expected to possess a photographic recollection of events or to narrate circumstances with precision. On that basis, I shall proceed to consider the principles governing the evaluation of the evidence of a child witness, as laid down in the following authorities.

29. **Sakar - Law of Evidence – 20th Edition – Volume 02 – page 2808**, where it has been said that “When a minor child witness is giving evidence... the court has to examine evidence of such child with utmost caution.... In the case of such evidence, the court has to search for reliable corroborative evidence either orally or documentary as a matter of prudence after being satisfied that evidence of such child witness is itself free from infirmity and is sterling sound, in rape cases it is utmost necessary.”

30. At this stage, it is appropriate to refer to the Indian case of ***Bhoginbhai Hirjibhai vs. State of Gujarat (AIR 1983-SC 753 at pp 756-758)***, often cited in our Courts, where it was held:

*“1) By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.*

*2) Ordinarily, so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.*

*3) The powers of observation differ from person to person. What one may notice, and the other may not. An object or movement might emboss its image on one person’s mind, whereas it might go unnoticed on the part another.*

4) *By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purpose of the conversation. It is unrealistic to expect a witness to be a human tape recorder.*

5) *In regard to exact time of an incident, or the time duration of an occurrence, usually people make their estimates by guesswork on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates of such matters. Again, it depends on the time-sense of individuals which varies from person to person.*

6) *Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused or mixed up when interrogated later on.”*

31. I shall now turn to consider the evidence of PW2, the mother of the prosecutrix. According to her testimony, during the period in which the alleged incident is said to have occurred, the prosecutrix became the last child to be dropped off in the evening, owing to the illness of another child who was ordinarily dropped off after her. This circumstance lends corroboration to the evidence of the prosecutrix that, at the material time, no other child remained in the said vehicle.

“ප්‍ර: එතොකොට භවස එනකොට කවුද අන්තිමට බහින්නේ?

උ: අන්තිමට බහින්නේ සස්මිනයි එයාගේ යාළුවයි.

ප්‍ර: එතොකොට හැමදාම ඔය යාළුවා හිටියද?

උ: එයට සනීප නැතුව පැපොල හැදිලා සනි දෙකක් විතර ගියේ නැහැ.

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උ: එතොකොට පැමිණිල්ල දන්නා කොච්චර කාලයකට කලින් වගේද පැපොල හැදිලා සස්මිනගේ යාළුවා පෙර පාසල් යන එක නැවැත්තුවේ?

උ: ඒ සනීප ඇතුළත තමයි.

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ප්‍ර: එනොකොට ඒ වෙනකොට සස්මිනද අන්තිමට ගෙදර එන්නේ?

උ: එහෙමයි.” (vide page 154 of the Appeal Brief)

32. Further, PW2 testified as to certain behavioral changes she observed in the prosecutrix during the alleged incident. According to her evidence, the prosecutrix, who had previously attended pre-school willingly, suddenly became reluctant to do so. PW2 also stated that on one occasion, when she attempted to dress the prosecutrix in a short dress, the latter refused and, in that context, disclosed that the Appellant had touched her while she was returning home. Moreover, upon further questioning as to the behavioral changes observed, PW2 stated that the prosecutrix had developed a habit of biting her nails and had ceased engaging in activities she previously enjoyed, such as dancing after returning home from pre-school.

“ප්‍ර: එනොකොට ඔය දරුවා පෙර පාසල් යන කලේ පෙර පාසල් යන්න කැමතිද?

උ: එහෙමයි කලින් එය කැමති පෙර පාසල් යන්න.

ප්‍ර: ඔකේ වෙනසක් වුණා ඊට පස්සේ?

උ: එහෙමයි.

උ: මොකක්ද ඒ වෙනස?

උ: ඊට පස්සේ ඊට පස්සේ යන්න බැහැ කිව්වා.

ප්‍ර: ඇයි යන්න බැහැ කිව්වේ?

උ: එහෙම මුකුත් කිව්වේ නැහැ. අම්මා මට මොන්ට්සෝරි යන්න බැහැ කියලා කිව්වා. ඊට පස්සේ සිකුරාදාට යුනිෆෝම් එක අදින්නේ නැහැ පට ඇඳුමක් අන්දලා යවන්නේ. එදා මම කොට ඇඳුමක් අන්දුවීම එය කිව්වා මට මේක අන්දන්න එපා කියලා.

ප්‍ර: ඇහුවද ඇයි කියලා?

උ: එහෙමයි ඊට පස්සේ මම ඇහුව ඇයි පුනේ මේක අන්දන්න එපා කියන්නේ කියලා. ඊට පස්සේ කිවා නැහැ ඕක මට එපා කියලා කිව්වා. තියෙන එක නේ අන්දන්නේ ඔයාගෙන් තියෙන කරදරේ කියලා මම ගැහුවා එකක්. ඊට පස්සේ ගහන කොට කිව්වා අම්මා මෙහෙමයි අර ත්‍රිවිල් එකේ මම මගේ ඇඟේ හැමතැනම අල්ලනවා කියලා.” (vide pages 157-158 of the Appeal Brief)

“.....

ප්‍ර: එතොකොට මේ දරුවා පෙර පාසල් යන්න බැහැ කියන එක විතරද මහත්මිය වෙනසක් විදියට නිරීක්ෂණය කරේ?

උ: එහෙමයි කල්පනා කරනවා.

.....

උ: එහෙමයි. ඇගිලි එහෙම හපලා තිබුනේ ගොඩක් එයා.

ප්‍ර: වෙනදාටත් ඔහොම ඇගිලි කනවද?

උ: නැහැ.

ප්‍ර: මහත්මිය ඇයි ඒ වෙලාවේ වෙනසක් විදියට දැක්කේ?

උ: ඇයි එයා ගෙදර ආව ගමන්ම මොනට්සෝරියට ගිහිල්ලා ආව ගමන්ම පොත් බැග් එක තියල සින්දුවක් ගෙන නටනවා. ඊට පස්සේ එයා ඒ මොකවත් කරේ නැහැ. පුටුවේ ඉදගෙන ඇගිලි ඔක්කොම කනවා.” (vide page 159 of the Appeal Brief)

33. It is observed that the prosecutrix had shown certain behavioural changes in her daily activities.

34. According to the evidence adduced by PW5, Judicial Medical Officer (JMO), who examined the prosecutrix and observed a reddish discoloration in the upper half of the hymen. JMO opined that such a finding could result from the stretching of the hymen due to some form of activity. The JMO further expresses the opinion that the prosecutrix had been subjected to a form of penetration, and such a condition was consistent with an occurrence within approximately one week prior to the examination. Further, PW5 has concluded that a finger was inserted into the vaginal region.

“ප්‍ර: එහිදී ඔබ නිරීක්ෂණය කෙරුවේ කුමක්ද?

උ: ඇයගේ ලිංගික ප්‍රදේශයේ රෝම වැව් තිබුනේ නැහැ. ඇයගේ යෝනි තොල් සාමාන්‍ය පරිදි තිබුණා. ඇයගේ කන්‍යා පටලය ඉහල අර්ධයේ පාදම වටා සුව වෙමින් පවතින අලුත් සියුම් රත් පැහැ ගැන්වීමක් දක්නට ලැබුන. ඇයගේ කන්‍යා

පටලය වන්ද වංක හැඩයෙන් යුක්ත වූ අතර, එහි ඉහල අර්ධයේ කන්‍යා පටලය දක්නට ලැබුණේ නැහැ. ඇයගේ ගුද මාර්ගය සාමාන්‍ය පරිදි තිබුණා.

ප්‍ර: එවන් ආකාරයේ නිරීක්ෂණ නිරීක්ෂණය කරන්නේ කොයි වගේ අවස්ථාවකද කියලා ඔබට මතයක් ඉදිරිපත් කරන්න පුලුවන්ද?

උ: කන්‍යා පටලයේ විස්තාරණය කරගෙන් යද්දී යම්කිසි ප්‍රවේශගත ක්‍රියාවක් සිදු වූ විට ඇතැම් විට මෙවැනි රත් පැහැ ගැන්වීමක් එහි පාදමය සලකුණ එනවා. එමෙන්ම කන්‍යා පටලයේ කොටස් තුනී වී ඇතැම් විට පාදම දක්වාම ගෙවී ගොස් විය හැකි පෙනීමක් දක්නට ලැබෙන අතර ඉතිරි කොටස් ඇතැම් විට විස්තාරණයට ලක් වූ ආකාරයට ඇදීමට ලක් වූ ආකාරයක් දක්නට ලැබෙනවා.

උ: වෛද්‍යතුමනි කිසියම් පුද්ගලයෙක් මෙම දැරියගේ කලිසමට ඇතුලින් අත දල ඇයගේ යෝනි ප්‍රදේශය අතගාන අවස්ථාවක ඇඟිල්ලක් යෝනි ප්‍රදේශයට ප්‍රවිෂ්ට වීමේදී මේ වගේ නිරීක්ෂණ නිරීක්ෂණය කිරීමට හැකියාවක් පවතිනවද?

උ: එහෙමයි.” (vide page 197 of the Appeal Brief)

35. Moreover, and significantly, JMO stated in evidence that the brief history provided by the prosecutrix is duly corroborated by the medical findings observed during the medical examination.

“ප්‍ර: ඒ අනුව මේ දරුවා ලබා දී ඇති සායනික ඉතිහාසය හා ඔබගේ නිරීක්ෂණ මතයක් සැසඳෙනවද?

උ: එහෙමයි.” (vide page 199 of the Appeal Brief)

36. Accordingly, it is noteworthy that the medical findings are in consonance with and lend corroboration to the brief history given by the prosecutrix, as well as the physical findings observed on her body, thereby supporting the occurrence of the alleged incident as narrated by her.

37. Further, the version of the prosecutrix finds support in the testimony of the chief investigating officer, PW4, IP Samarathunga, who stated that, subsequent to the lodging of the complaint, the prosecutrix herself identified the Appellant’s residence as the scene of the alleged offence when she was taken to the scene

accompanied by four other police officers. There was no evidence that the victim had ever been to the appellant’s residence prior to this incident. Accordingly, had she not been taken to the appellant’s residence, there would have been no means by which a child of her age could have identified or shown the police the appellant’s residence.

“ප්‍ර: මහත්මිය මේ ස්ථානය පෙන්වා දුන්නේ කවුරුන්ද?

උ: විදින දැරිය විසින් මෙම ස්ථානය පෙන්වා දුන්නා.” (vide page 207 of the Appeal Brief)

38. Although the prosecutrix testified that her mother had made a statement to the Police, according to the evidence of PW3, WIP Sandamali, who recorded the statements of both the prosecutrix and her mother separately, stated during the cross-examination that her mother did not prompt or influence the prosecutrix in giving her statement. She further confirmed that the statement of the prosecutrix was made voluntarily and independently by her.

“ප්‍ර: මහත්මිය මේ ප්‍රකාශය සටහන් කරන්න කවුරුද ඔය ස්ථානයේ හිටියේ දැරියගේ ප්‍රකාශය සටහන් කරද්දී?

උ: දැරියගේ ප්‍රකාශය දැරිය මා සමඟ දැරියගේ ප්‍රකාශය පමණයි සටහන් කරගත්තේ.

ප්‍ර: දැරියගේ මවත් හිටියද එම ස්ථානයේ.

උ: මව ලඟ හිටියේ නැහැ.

උ: මව හිටියේ කොහෙද?

උ: මව අමුත්තන්ට වාඩිවීමට තියෙන ස්ථානයක වාඩිකරනවා දැරිය මා භාරයට රැගෙන මා සමඟ ප්‍රකාශ සටහන් කළා.” (vide pages 223-224 of the Appeal Brief)

39. According to the investigation, it was revealed that there existed a monetary dispute between the prosecutrix’s parents and the Appellant arising from the non-payment of certain sums due in respect of transport provided by the Appellant in

his three-wheeler. In this regard, PW7, a retired WPC, testified that the parents of the prosecutrix were required to pay a sum of Rs. 300/-, together with an outstanding amount of Rs. 2000/-, to the Appellant as arrears.

40. However, it is difficult to accept that the parents of the prosecutrix would have gone to the extent of fabricating such serious allegations, merely on account of a relatively trivial monetary dispute. There is no material placed before the court to suggest that the said dispute, by itself, was of such gravity as to motivate a false implication of the Appellant in a grave sexual offence. Accordingly, the nature of the allegation is of such seriousness that it is wholly improbable that it would have been fabricated for the recovery of a small sum of money.

41. In these circumstances, I find no misdirection on the part of the Learned Trial Judge in evaluating the evidence of the prosecution witness.

42. Upon consideration of the foregoing factual and legal context, I find no departure from the findings of the Learned Trial Judge. In these circumstances, the conviction of the Appellant on Count 1 is affirmed. It is further directed that the sentence imposed on the Appellant by the Learned High Court Judge shall run, from the date of conviction i.e., from 23.06.2025.

43. Accordingly, the appeal is dismissed.

**Judge of the Court of Appeal**

**P. Kumararatnam, J**

I agree,

**Judge of the Court of Appeal**