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

In the matter of an Appeal in terms of the Section 331 of the Code of Criminal Procedure Act No. 15 of 1979 read with Article 138 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 164/2025

Vs.

High Court of Ratnapura
Case No: HCR 102/16

Galgoda Manannalage Gunapala *alias*
Galgodayalaya Gunadasa

Accused

AND NOW BETWEEN

Galgoda Manannalage Gunapala *alias*
Galgodayalaya Gunadasa

Accused-Appellant

Vs,

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

Complainant- Respondent

Before: **Amal Ranaraja. J,**

Dr. Sumudu Premachandra, J.

Counsel: Accused-Appellant is absent and unrepresented.

Yuhan Abeywickrama, D.S.G. for the Respondent.

Argued on: 08.10.2026

Judgment on: 29.10.2026

JUDGMENT

Amal Ranaraja. J,

1. The accused-appellant (hereinafter referred to as the 'appellant') has been indicted in the High Court of *Rathnapura* in Case No. HCR 102-2016. The charge in the indictment is as follows;

    01. On or around the 03rd of October, 2011, in *Ensaldola*, within the jurisdiction of this Court, you did stab one *Hapanpellilage Karunawathie* with a knife, with such intention or knowledge, and under such circumstances that had you by such an act caused the death of said *Hapanpellilage Karunawathie*, you would have been guilty of murder, you have committed an offence punishable under Section 300 of the Penal Code.

2. At the conclusion of the trial, the learned High Court Judge has convicted the appellant of the charge and sentenced him as follows;

    i. To three years rigorous imprisonment and a fine of Rs. 15,000.00 with a term of 3 months simple imprisonment in default.

The appellant has also been directed to pay a sum of Rs. 100,000.00 to PW02 as compensation with a term of 9 months is in default.

Case of the Prosecution

3. PW02 is the mother of PW01. On the day of the incident, PW01 has sustained injuries and has revealed it to PW02. PW02 has then gone to a location close to the turn-off to the appellant's house to inquire about the incident. At that location, the appellant has allegedly attacked PW02 with a sharp edged weapon, causing injuries to her. Subsequently, a complaint has been made to the police and an investigation commenced. During this investigation PW02 has been examined by *Dr. I.L. Rathnayake*, Additional Judicial Medical Officer of Colombo. The medico-legal report prepared had been afterward produced as evidence marked *පැ02*.

Case of the Appellant

4. The appellant had maintained that he did not inflict any injuries upon PW02.

5. PW02 has testified as follows;

"ප්‍ර: කවුරු කෑ ගහනවාද ඇහුනේ?

උ: ගුණපාල මට පිහියෙන් ඇන්න කියාගෙන කුලරත්න ආවා.

ප්‍ර: කුලරත්න කොහේටද ආවේ?

උ: අපේ ගෙදර මිදුලට ආවා.

ප්‍ර: ඒ අවස්ථාවේ තමන් කොහේද හිටියේ?

උ: බත් කකා හිටියා මිදුලේ.

ප්‍ර: එතකොට තමන් මොනවාද ඒ අවස්ථාවේ කළේ දැන් පුතා එනවා දැක්කාට පස්සේ?

උ: එයා දැක්කට පස්සේ මට කල්පනාව නැතිවුණා. බොත් පිඟාන බිම වැටුණා. ඊට පස්සේ මයා වටුනණ.

ප්‍ර: කවුද වැටුණේ මෙයා කියල කිව්වේ කවුද?

උ: පුතා.

ප්‍ර: කුලරත්න කොහේද වැටුණේ?

උ: බිම.

...

ප්‍ර: ඒ අවස්ථාවේ තමන් මොකක්ද ගත්ත පියවර?

උ: මම ගියා ගුණපාලගෙ ගෙදරට හැරෙන තැන් පාර ළඟට. මොකක්ද මේකේ හේතුව කියල අහන්න.

ප්‍ර: හැරෙන තැන පාරට ගියාට පස්සෙ එතනදි කුමක්ද සිද්ධවුණේ?

උ: මම කෑ ගගහ හිටියා ඒ කට්ටියට.

ප්‍ර: මොනවා කියලද කෑ ගැහුවේ?

උ: පිහියෙන් ඇන්න කියලා. එතකොට ගුණපාල පිටිපස්සෙන් යන්තම් සරමත් ඇඳන් එනව දැක්කා.

ප්‍ර: තමුන් සරමක් ඇඳන් එනවා දැක්කා?

උ: ඔව්.

ප්‍ර: ඒ අවස්ථාවේ තමන් කවුද කියල දැක්කද?

උ: දැක්කා.

ප්‍ර: තමන් කිව්වා සරමක් ඇඳගෙන යන්තම් ඡායාවක් වගේ ඒ පැත්තෙන් එන්වා දැක්කා කියලා?

උ: ඔව්.

ප්‍ර: ඒ අවස්ථාවේ තමන්ට ඇඳුරගන්න පුළුවන් වුණාද කවුද ආවේ කියලා?

උ: ඔව් ගුණපාල එනවා දැක්කා.

...

ප්‍ර: තමන් කිව්ව සරමක් ඇඳගෙන ඡායාවක් වගේ එන්වා දැක්කා කියලා ඊට පස්සෙ මොකක්ද වුණේ?

උ: ඊට පස්සෙ එකපාරට ආවා. ඇවිල්ල මේ පැත්තෙන් ඇන්නා මෙතනට. මේ ටික ඔක්කොම තුවාල වුණා.

(දකුණු අතත් පයෝදර උඩ කොටසත් පෙන්වා සිටී.)

ප්‍ර: ඒ ප්‍රදේශයට ඇන්නා. කොහෙන් ඇවිල්ලද ඇන්නේ?

උ: පිටිපස්සෙන් ඇවිල්ලා ඇන්නා.

ප්‍ර: එතකොට තමන් මොකක්ද කළේ?

උ: මම කෑ ගහනකොට ආයි ආව මට පිහියෙන් අනින්න.

ප්‍ර: දැන් තමන් සඳහන් කළා පිටිපස්සෙන් ඇවිල්ල ඇන්නා කියලා?

උ: ඔව්.

ප්‍ර: එතකොට තමන් දුටුවාද කවුද තමන්ට ඇන්නේ කියලා?

උ: ඔව්. මම හැරිල බැලුවා.

ප්‍ර: එතකොට තමන් දැක්කාද කවුද තමන්ට ඇන්නේ කියලා?

උ: ඔව්.

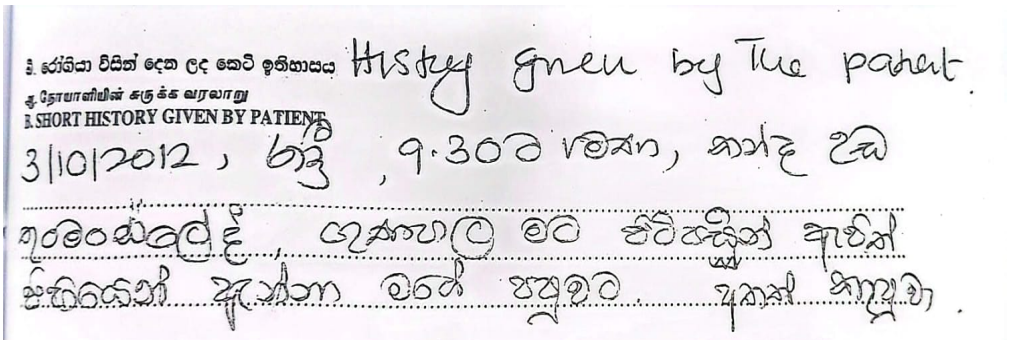
ප්‍ර: කවුරු කියලද තමන් අඳුරගත්තෙ ඒ අවස්ථාවේ?

උ: ගුණපාල.”

Vide pages 74 to 76 of the Brief

That is PW02’s son had sustained an injury. Following this PW02 had gone to a location near the turn-off to the appellant’s house to inquire about the incident involving her son. At that point, the appellant has attacked PW02 with a sharp edged weapon causing injuries.

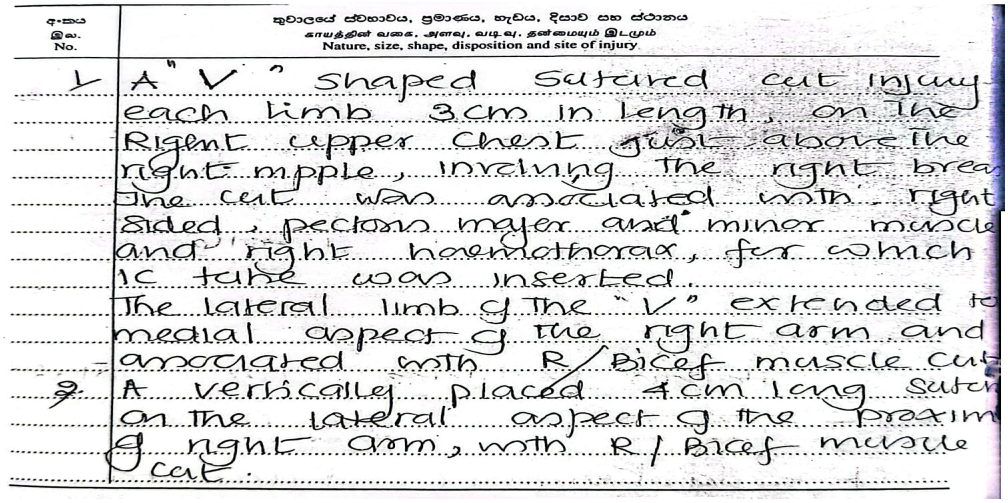
6. Following the initial complaint involving the appellant, an investigation has been initiated. PW02 has been presented to an additional Judicial Medical Officer for examination. PW02 has given a statement to the additional Judicial Medical Officer Colombo, *Dr. I.L. Rathnayake*, detailing the patient’s history.


ii. රෝගියා විසින් දෙන ලද කෙටි ඉතිහාසය History given by the patient
ii. நோயாளியின் சுருக்க வரலாறு
ii. SHORT HISTORY GIVEN BY PATIENT
3/10/2012, හවු, 9.30ට විතර, නාන්ද උඩ
තුරම්බුල්ලේදී, ගුණපාල මට පිටිපසින් ඇවිත්
පිහියෙන් ඇන්නා මගේ පපුවට අතත් තුවුවා.

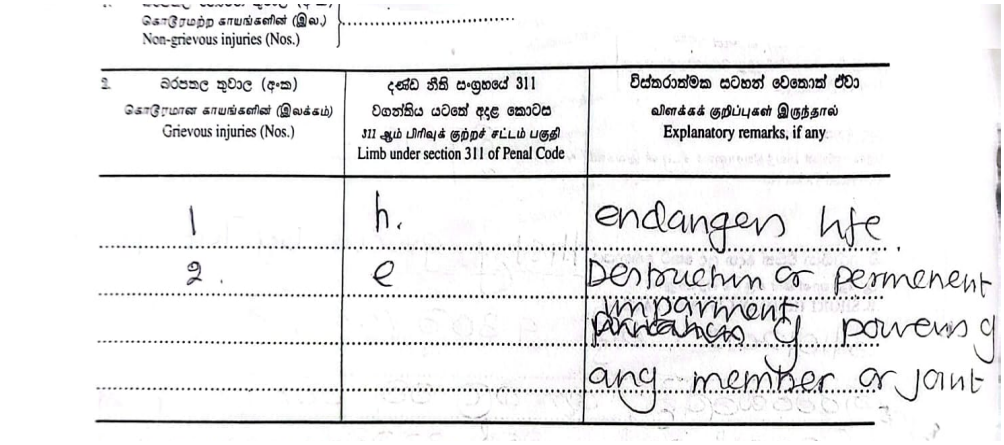
Vide the Medico-Legal Report marked පැ02

“That is, *Gunapala* came from behind and stabbed me in the chest and also cut my arm.”

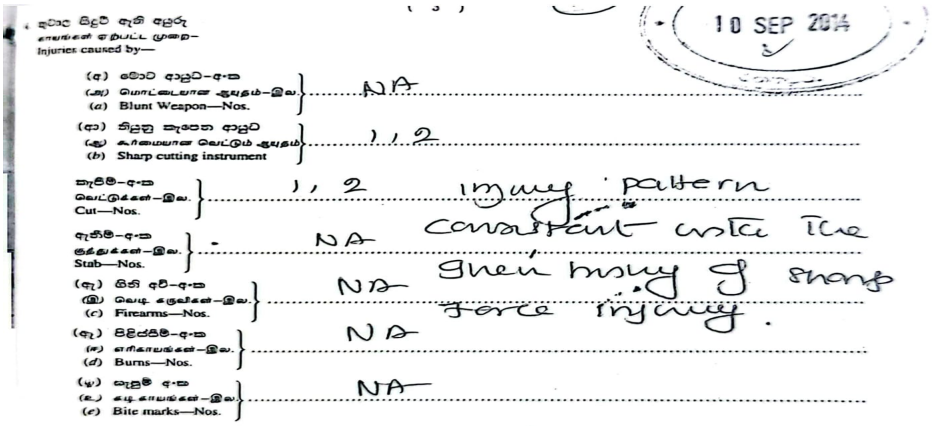
7. Throughout PW02 has remained consistent regarding the nature of the injuries, the weapon and the identity of the perpetrator. Furthermore, after conducting the examination *Dr. I.L. Rathnayake* has explained the injuries and opined as follows;



අංකය இல. No.	තුවාලයේ ස්වභාවය, ප්‍රමාණය, හැඩය, දිසාව සහ ස්ථානය காயத்தின் வகை, அளவு, வடிவு, தன்மையும் இடமும் Nature, size, shape, disposition and site of injury
1	A "V" shaped sutured cut injury each limb 3cm in length, on the Rigent upper chest just above the right nipple, involving the right brea The cut was associated with right sided, pectoris mayer and minor muscle and right haemathorax, for which ic tube was inserted. The lateral limb of the "V" extended to medial aspect of the right arm and associated with R/Bicef muscle cut
2	A vertically placed 4cm long sutur on the lateral aspect of the proxim of right arm, with R/Bicef muscle cut.



2.	බරපතල තුවාල (අංක) கொடுமையான காயங்களின் (இலக்கம்) Grievous injuries (Nos.)	දණ්ඩ නීති සංග්‍රහයේ 311 වගන්තිය යටතේ අදළ කොටස 311 ஆம் பிரிவுக் குற்றச் சட்டம் பகுதி Limb under section 311 of Penal Code	විස්තරාත්මක සටහන් වෙතොත් ඒවා விளக்கக் குறிப்புகள் இருந்தால் Explanatory remarks, if any
	1	h.	endanger life
	2	e	Destruction or permenent impairment privation of powers of any member or joint



(අ) මොට ආයුධ–අංක (ஆ) மொட்டையான ஆயுதம்–இல. (a) Blunt Weapon—Nos.	NA
(ආ) තියුනු කැපෙන ආයුධ (இ) கூர்மையான வெட்டும் ஆயுதம் (b) Sharp cutting instrument	1, 2
කැපීම්–අංක வெட்டுக்கள்–இல. Cut—Nos.	1, 2 injury pattern
ඇනීම්–අංක குத்துக்கள்–இல. Stab—Nos.	NA consistent with the
(ඇ) ගිනි අවි–අංක (இ) வெடி குழல்கள்–இல. (c) Firearms—Nos.	NA given history of sharp force injury.
(ඈ) පිළිස්සීම්–අංක (ஈ) எரிகாயங்கள்–இல. (d) Burns—Nos.	NA
(ඉ) සැපීම් අංක (உ) கடி காயங்கள்–இல. (e) Bite marks—Nos.	NA

10 SEP 2014

Vide the Medico-Legal Report marked පැ02

The nature and site of the injury caused by the appellant, have been corroborated by *Dr. Rathnayake,* who also has opined that the injury endangered the life of PW02.

8. At the conclusion of the evidence lead by both parties the learned High Court Judge has examined the case in a holistic manner, rather than analysing the prosecution's version and the appellant's version in a watertight compartment. He has tested each item of evidence against the overall factual matrix and has applied the same to the ingredients of the offence prescribed in the charge. Thereafter, the learned High Court Judge has concluded that the prosecution successfully discharged the burden of proof that falls upon them and rejected the appellant's dock statement. The learned High Court Judge has provided comprehensive and well-founded reasoning for this determination. Such approach accords with settled judicial principles.

9. In the case of *James Silva Vs. The Republic of Sri Lanka (1980) 2 SLR 167*, Rodrigo J, has stated,

> *"A satisfactory way to arrive at a verdict of guilt or innocence is to consider all the matters before the Court adduced whether by the prosecution or by the defence in its totality without compartmentalising and, ask himself whether as a prudent man, in the circumstances of the particular case, he believes the accused guilty of the charge or not guilty."*

10. By refusing to compartmentalize the evidence and instead adopting a holistic approach, the High Court has applied the correct methodology and arrived at findings that are both cogent and sustainable. Therefore, the disputed judgement is not perverse.

11. In those circumstances I am not inclined to interfere with the conviction, disputed judgement together with the sentencing order and proceed to affirm the same.

12. I dismiss the appeal but make no order regarding costs.

    Appeal dismissed.

13. The Registrar of this Court is directed to send this Judgement to the High Court in *Rathnapura for* compliance.

Judge of the Court of Appeal

Dr. Sumudu Premachandra, J.

I agree

Judge of the Court of Appeal