[COURT OF CRIMINAL APPEAL.]

1945   *Present :* **Wijeyewardene, Cannon and Rose JJ.**

THE KING *v.* K. K. PETER *et al.*

*Appeal No. 45 of 1945 with Applications 113–118 of S. C.
No. 14—M. C., Tangalla, 19,304.*

*Youthful offender—Release of lads of good character—Order to enter into bond
to be of good behaviour—Criminal Procedure Code, s. 325.*

Where lads of good character are convicted of culpable homicide
not amounting to murder and the evidence shows that they have been
led to take part in the incident through the action of their elders, they
may be dealt with under section 325 of the Criminal Procedure Code
and released on entering into a bond to be of good behaviour and to
appear for sentence when called upon at any time within a specified
period.

THIS was an appeal together with an application for leave to appeal.

H. V. Perera, K.C. (with him *S. C. E. Rodrigo*), for the appellant and
applicants.

M. F. S. Pulle, C.C., for the Crown.

September 18, 1945. WIJEYEWARDENE J.—

Six accused were found guilty of culpable homicide not amounting to
murder on the ground that they did not have the intention necessary to
constitute the offence of murder. They were sentenced each to ten
years' rigorous imprisonment—the maximum period fixed by the Penal
Code for an offence of that type.

The first and the fourth accused are young lads. The first accused is a
nephew of the second and the third accused. The first and fourth
accused appear to have been led to take part in this incident through the

action of their elders.   Each of them appears to have borne a good character.   In these circumstances we would deal with them under section 325 of the Criminal Procedure Code.

We order the first and fourth accused to enter each into a bond in the sum of Rs. 1,000 with two sureties to be of good behaviour for a period of three years and to appear for sentence when called on at any time during that period.

The applications of the other accused are dismissed.

First and fourth accused to enter into bond.
Applications of the other accused dismissed.