

1974 *Present : Samerawickrame, J., Udagama, J.,
and Sharvananda, J.*

G. P. S. NANAYAKKARA, Appellant, and THE STATE,
Respondent

S.C. 4/73 (Bribery)—D. C. Nuwara Eliya, 51

*Bribery Act (Cap. 26)—Conviction under section 16 or section 19—
Sentence—Requirement of fine in addition to imprisonment.*

When a person is convicted of an offence falling under section 16
or section 19 of the Bribery Act (as amended), a sentence of a fine
is mandatory in addition to the sentence of imprisonment.

APPEAL from a judgment of the District Court,
Nuwara Eliya.

*E. R. S. R. Coomaraswamy, with Prins Gunasekera,
T. Joganathan and S. C. B. Walgampaya, for the accused-
appellant.*

G. L. M. de Silva, State Counsel, for the Attorney-General.

February 25, 1974. SAMERAWICKRAME, J.

Learned counsel for the accused-appellant has not urged before us any good ground why the conviction of the appellant should be set aside. The conviction is therefore affirmed. It is submitted however that the sentences imposed on the accused by the learned District Judge would operate harshly inasmuch as the accused has been sentenced to undergo terms of imprisonment in respect of each count consecutively though counts 1 and 2 were framed in respect of one and the same act and counts 3 and 4 also were framed in respect of one other act. It is therefore submitted that the sentences of imprisonment on counts 1 and 2 should run concurrently and the sentences of imprisonment on counts 3 and 4 should run concurrently. We think that there is force in this submission and we accordingly make order that the sentences of imprisonment imposed by the learned District Judge on counts 1 and 2 should run concurrently and the sentences of imprisonment in respect of counts 3 and 4 should run concurrently and that the accused appellant will serve in all a period of 2 years' rigorous imprisonment.

Learned State Counsel submits that there should be a sentence of a fine in addition to the sentences of imprisonment having regard to the provisions of Sections 16 and 19 of the Bribery Act. We impose a fine of Rs. 25 on each of the 4 counts. The District Judge will take action in terms of Sections 243, 244 and 245 of the Administration of Justice Law in respect of the recovery of the fines imposed. The penalty of Rs. 250 imposed by the learned District Judge will stand. Subject to the variation in sentence the appeal is dismissed.

UDALAGAMA, J.—I agree.

SHARVANANDA, J.—I agree.

Appeal dismissed, subject to variation in sentence.