

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an Application for Revision under Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

C.A. (PHC) APN No. 172/2017

Gampaha High Court Bail Application

No.-HCBA 159/2017

Magistrate's Court Gampaha

Case No.- B 698/2017

Sapugahawaththa Gihan Nanayakkara,
No. 327/C/7,
Galahitiyawa,
Ganemulla.

Suspect-Petitioner-Petitioner.

Vs.

01. Officer-in-Charge,
Police Station,
Gampaha.

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

Respondents-Respondents.

C.A. (PHC) APN Appln. No. 172/2017

Before : **P. Padman Surasena, J (P/CA) &
Shiran Gooneratne, J.**

Counsel : Kasun Liyanage for the Petitioner.

Supported &

Decided on : 23.01.2018.

P. Padman Surasena, J (P/CA)

Heard learned Counsel for the Petitioner in support of this application. Petitioner has filed an application for bail in the High Court. The basis of that application in the High Court is the alleged failure by police to mention the place from which the police has recovered the automatic gun, in the B report submitted to Court.

Petitioner has also taken up a position that Police had failed to mention the place from which the key of the relevant vehicle (which is alleged to have been used to commit the relevant crime) was recovered, in the said report.

In the course of the proceedings, learned High Court Judge had verified this positions by getting the learned State Counsel to produce the information book in Court. It has transpired that the relevant gun has been recovered from the almaira of the house of the suspect. The suspect was arrested on 2017.04.11. The impugned order by the High Court has been delivered on 2017.11.01.

This Court perused the order and proceedings of the High court. This Court has no reason to interfere with the said order.

Further there is no basis for this Court to issue notices on the Respondents as this Court is unable to see any irregularity impropriety or illegality in the impugned order. (This Court has to be mindful that this is an application for revision. Vide section 364 of the Code of Criminal Procedure Act). Therefore we refuse to issue notices on the Respondents. This application must stand dismissed.

PRESIDENT OF THE COURT OF APPEAL

A. L. Shiran Gooneratne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

AKN