

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

**Court of Appeal case No.
CA (PHC) APN 91/2015**

**High Court of Gampaha case No.
HCBA/73/2015**

**Magistrate Court of Gampaha case
No. B/2687/2014**

Dukgannarala Mudiyansele
Sanjeevani Vinoja Kumari,
No. 197/75, Kalulanda Watta,
Ellakkala.

Petitioner - Petitioner

Vs.

Officer In Charge,
Crimes Investigation Section,
Police Station, Gampaha.

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

Respondents – Respondents

Kumara Bandara Mudiyansele
Dilshan Sadeepa Bandara.

(Currently incarcerated at Mahara
Prison)

3rd Suspect Respondent

Before : P.R. Wlgama J.
: L.T.B. Dehideniya J.

Counsel : Sammani Warnakulasooriya for the Petitioner - Petitioner
Varunika Hettige SSC for the Respondent - Respondent

Argued on : 13.06.2016

Decided on : 29.06.2016

L.T.B. Dehideniya J.

This is a revision application against the order of the Learned High Court Judge of Gampaha. The Petitioner – Petitioner's (the Petitioner) son is the 3rd suspect in the case before the Magistrate Court Gampaha where he was suspected for an offence of robbery using fire arms. The application presented by the Petitioner to the High Court of Gampaha to release the 3rd suspect on bail, was dismissed. Being aggrieved, the petitioner presented this revision application to revise the order of the Learned High Court Judge. The learned SSC raised a preliminary objection that the Petitioner has no locus standi to maintain this application.

The Petitioner filed this revision application to revise the order of the High Court. Therefore, the Petitioner cannot bring in any new material in to this application other than the material presented to the High Court. A question of law can be raised but not new facts. The application of the Petitioner has to be considered on that basis.

The Petitioner, in her application in the High Court, stated that she is a divorced lady living with her son, the 3rd suspect and running a beauty parlour for her livelihood. She further stated that the 3rd suspect is a boy of 20 years of age. Most importantly, she requested the High Court to grant bail on the 3rd suspect because she had to live alone without any protection and she was mentally depressed due to the incarceration of her son, the 3rd suspect.

Can a person ask Court to release another person on bail for the whole benefit of the first person? My view is that he cannot. A person has no locus

standi to make such an application. The petitioner is not a party to the proceeding before Magistrate Court. She cannot come to a higher court and complain that she is undergoing difficulties due to the incarceration of her son, who is a suspect of a case of robbery using fire arms, and to seek the indulgence of the Court to release him on bail.

The Oxford Dictionary of Law defines the English meaning of the Latin term "*locus standi*" as "*a place to stand*". Its legal definition is "*The right to bring an action or challenge a decision*". The Wharton's Concise Law Dictionary revised and updated by Dr. Justice AR Lakshmanan, former Judge of the Supreme Court of India defines the term as "*The right of a party to appear and be heard on the question before any tribunal*". The Black's Law Dictionary defines as "*The right to bring an action or to be heard in a given forum*".

In the present case, the Petitioner, in the application for bail in the High Court, has not given any reason from the point of the 3rd suspect as to why he should be released on bail. She made the application completely for her benefit. She has no right to make such an application.

The authorities referred to by the learned Counsel for the Petitioner has no relevancy to the present point in issue.

I uphold the objection and dismiss the application. No costs.

Judge of the Court of Appeal

P.R.Walgama J.

I agree.

Judge of the Court of Appeal