

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

In the matter of an application for revision in terms of Section 364 of chapter XXIX of the Criminal Procedure Code Act No. 15 of 1979 read with the provisions of section 11 of the High Court of the Provinces (Special Provisions) Act No. 19 of 1990 and the Court of Appeal (Appellate Procedure) Rules, 1990.

Court of Appeal

Revision Application No. CA/PHC/APN 45/2015

High Court of Panadura Revision Application No. 10/2013

Magistrate's Court

Kesbewa Case No. 9917

- 1 Ceylon Electricity Board,  
P.O. Box 540,  
Sir Chittampalam A. Gardiner Mawatha,  
Colombo 02
- 2 D.M. Nimal Dissanayake  
Investigation Assistant  
Special Investigation Branch  
P.O. Box 540,  
Sir Chittampalam A. Gardiner Mawatha,  
Colombo 02.

Petitioners

Vs.

Officer-in-Charge,

Police Station,

Piliyandala.

Plaintiff-Respondent

Atalugamage Priyantha Visvajith Silva,

No. 54A, Siddamulla,

Piliyandala.

Accused-Respondent

C.A.(PHC)APN 45/2015 : HC Panadura No 10/13

Before : K.K. Wickremasinghe,J.  
K. Priyantha Fernando,J.

Counsel : Asoka Fernando with Miss A.R.R. Siriwardena and J.J. Fernando  
for the Petitioners  
Ranjan Mendis for the Accused-Respondent-Respondent instructed  
by Shyamantha Bandara

Decided on : 14.01.2020

K.K. Wickremasinghe,J.

This is a case where this Court has to decide whether the Petitioner has to obtain sanction of the Attorney General when the Petitioner files a revision application. In a revision application, the Petitioner is not required to obtain the sanction of the Attorney General as in an appeal. Therefore, this Court decides that the learned High Court Judge has erred in deciding that in a revision application the Petitioner has to obtain the sanction of the Attorney General. Accordingly, the order of the learned High Court Judge is set aside and send this case back to High Court of Panadura for the purpose of hearing the revision application afresh.

Registrar is directed to send a copy of this order to the relevant High Court.

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JUDGE OF THE COURT OF APPEAL

K. Priyantha Fernando, J.

I agree.

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JUDGE OF THE COURT OF APPEAL

Cr/-