

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

In the matter of an Application for bail under Section 10 (1) (a) of the Assistance to and Protection of Victims of Crime and Witnesses Act No.4 of 2015 read along with Bail Act No. 30 of 1997.

Court of Appeal Case No:

CA / BAL / 24/ 21

Magistrate Thambuttegama

Case No: **B 2026 / 20**

Officer in charge

Police Station

Rajanganaya.

COMPLAINANT

Vs.

1. Singapuliyage Suresh Chathuranga
Wijethilaka.
70, Track 11, Gemunupura,
Anuradhapura.

2. Wickramapalage Malith Susinidu
Piyumal Wickramapala.
Rajanganaya, Track 11,
Gamunupura.

3. Pihiledeniyegedara Pathum Sanjaya
Disanayake,
Track 11, Rajanganaya,
Gemunupura

SUSPECT

AND NOW BETWEEN

Singapuliyage Suresh

Chathuranga Wijethilake
70, Track 11,
Gemunupura,
Anuradhapura

1st SUSPECT-PETITIONER

Vs

1. The Officer in Charge Police Station,
Rajanganaya.
2. Hon. Attorney General
Attorney General's Department
Colombo 12

RESPONDENTS

Before : Menaka Wijesundera, J
Neil Iddawala, J

Counsel : Migara Doss for the Petitioner.
Earandi Dassanaikie SC for the State.

Argued on : 02.02.2022

Decided on : 07/03/2022

Menaka Wijesundera J

The instant applications for revisions has been filed by the suspect petitioner (hereinafter referred to as the 1st petitioner) under the provisions of the Assistance to and Protection of Victims and Witnesses Act no 4 of 2015.

On 23.9.2020 the Rajangana police have conducted a raid on cannabis in the residence of SisilasiriJayawardene and Sheehan Chamikara Jayewardene and had taken the two in to custody.

According to the version of the petitioner he and the other two accused had visited the police station to see as to what kind of assistance can be rendered to the above mentioned suspects as they had been friend, the petitioner and his friend had tried to engage in a conversation with the police officers on duty but it had ensued in to an argument between the two parties.

Thereafter the police had arrested the petitioners and the other two accused.

The Counsel appearing for the respondents have stated that the petitioner and the other two had threatened the police officers and had said that they would be killed in due course. As such the respondents moved that the petitioners had the audacity to walk in to a police station and threaten the officers on duty with death which displays their scant disregard for the due administration of justice.

The petitioners stated that the position put forward by the respondents is not plausible for the simple reason that, for three lay people to be threatening the officers on duty inside the premises of a police station is quite impossible.

The respondents further stated that the indictments against the petitioners have been forwarded.

According to the provisions of the above mentioned act offences have been defined under sections 8 and 9 of the act and bail had been considered under section 10 of the act which says that only under exceptional circumstances the Court of Appeal may enlarge the suspects on bail.

The term exceptional has not been defined in the act but our legal luminaries have defined the term exceptional in many of the decided cases and it has been held that the exceptionality defers from case to case which leaves a wide discretion to the judges. But it has been held that the discretion should not be used capriciously.

As such in the instant matter exceptionality urged by the petitioners is the improbability of the incident as urged by the respondents.

But this Court has to take serious note of the complaint of the respondents because it clearly is an interference with due administration of the criminal justice system.

Hence as the indictments against the petitioners have already been forwarded, this Court directs the relevant High Court Judge to expedite the matters as per the provisions of the act.

As such this Court sees no reason to enlarge the petitioners on bail.

Judge of the Court of Appeal.

I agree.

Neil Iddawala J.

Judge of the Court of Appeal.