

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

In the matter of an application for Revision in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Abeykoon Mayadunna Appuhamilage
Chandana Ruwankantha,
Assistant Superintendent of Police,
Allegal Assets Investigation Division,
Criminal Investigation Department.

PETITIONER

Court of Appeal Revision
Case No. CPA/54/2025

Vs.

High Court of Balapitiya
Case No. HC/SPL/02/24

Lokugamage Dinesh AsankaYapa Abeythunga,
No.1/5, Thalapitiya , 2nd Lane,
Bandaranayake Place, Magalle,
Galle.

APPLICANT

AND NOW BETWEEN

Lokugamage Dinesh AsankaYapa Abeythunga,
No.1/5, Thalapitiya , 2nd Lane,
Bandaranayake Place, Magalle,
Galle.

APPLICANT-PETITIONER

1. Abeykoon Mayadunna Appuhamilage
Chandana Ruwankantha,
Assistant Superintendent of Police,
Old Police Head Quarters,
2nd Floor, Colombo 01.
2. Hon. Attorney General
Attorney General's Department,
Colombo 12

RESPONDENTS

Before : Hon. Justice B. Sasi Mahendran
Hon. Justice Amal Ranaraja

Counsel : Hafeel Farisz with Naveen Maha Arachchi for the Applicant-
Petitioner.
Tharaka Kodagodda, SC for the Respondents.

Decided on : 03.07.2025

Order

Heard the Counsel for the petitioner. The Petitioner has made an application before the learned High Court Judge of Colombo as per the provisions in Section 14(1)(d) of the Prevention of Money Laundering Act, seeking to exclude from a freezing order made, the vehicle in question. He has also claimed that he is the proprietor of Dinesh Motors, a business venture engaged in the buying and selling of motor vehicles.

The Petitioner, states that he is the bona fide purchaser of the vehicle in issue, upon purchasing it on or about 06.05.2024. The Petitioner has also stated that he was unaware of the freezing order that has been made in respect of such vehicle as per the Money Laundering Act at the time of purchase of the same. As stated in the Petition, the Petitioner has become aware of the freezing order made on 10.07.2024, when he attempted to sell the said vehicle to a third party.

Thereafter, as the bona fide purchaser, he has submitted an application to the said Court under Section 14 (1) of the aforementioned Act, seeking the exclusion of the particular vehicle from the freezing order.

In her submissions before this Court, Counsel for the Respondent submitted that the Petitioner is not the current owner of the vehicle. She further informed Court, that the relevant freezing order had been communicated to the Commissioner General of Motor Traffic, thereby ensuring that any prospective purchaser would be made aware of the freezing order made against the property i.e. the vehicle in issue.

We are mindful that Section 14 of the Money Laundering Act enables the bona fide claimant to seek the intervention of Court to exclude a property purchased by such claimant and restore possession of the same to such claimant

In the instant case, when the Petitioner purchased the vehicle in issue, notice of the freezing order has been conveyed to the Registrar of Motor vehicles. The Petitioner, if he acted with diligence would have inquired from the Registrar of Motor Vehicles the status of the vehicle in issue and got to know of the freezing order made.

The conduct of the Petitioner is a pertinent factor in the determination of this matter.

Peera v. The People's Bank, 1995 (2) SLR 84 at page 87, G.P.S. de Silva, CJ

"In any event, revision is a discretionary remedy and the conduct of the defendant is a matter which is intensely relevant. I hold that the conduct of the defendant disentitles him to relief by way of revision in the facts and circumstances of this case."

Further, we observe that the vehicle in issue is no longer with the Petitioner, as he has admitted to having sold it to another party. While Section 14 of the Prevention of Money Laundering Act provides relief to bona fide claimants, in our considered view, the Petitioner does not fall within the ambit of a bona fide claimant.

The time bar to make an application in the nature of the instant one is 30 days of the making of the freezing order.

14 (1) Any person affected by an Order of Forfeiture made under section 13 of this Act, may make an application to Court making the Order of Forfeiture within a period of thirty days of the making of such Order, stating that he has suffered loss as a result of the making of such Order.

The instant petition has been forwarded on 29.10.2024, whereas the relevant freezing order issued on 26.03.2024. Thus, there is also a delay in filing the said application.

For the foregoing reasons, the Petitioner has failed to satisfy this Court of the existence of exceptional circumstances, therefore the petitioner is not entitled to invoke the revisionary jurisdiction of this court.

The matter is dismissed. We order for costs 10,000/- as a state cost.

Judge of the Court of Appeal.

Hon. Justice Amal Ranaraja

I agree

Judge of the Court of Appeal