

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

*In the matter of an application for bail in terms of section 10 (1) (a) of the Assistance to and Protection of Victims of Crimes and Witnesses Act No. 4 of 2015.*

**Court of Appeal No:**

**CA/BAL/319/23**

**High Court Vavuniya**

**Case No:** HCV 2923/19

**Magistrate Court Vavuniya**

**Case No:** B 381/2023

The Officer in Charge,

Division Crime Detective Branch,

Vavuniya.

**COMPLAINANT**

**Vs.**

Jeyaratnam Sri Ranga,

No. 61/1,

D. S. Fonseka Road,

Colombo 05.

**SUSPECT**

**AND NOW BETWEEN**

Jeyaratnam Sri Ranga,

No. 61/1,

D. S. Fonseka Road,

Colombo 05.

**SUSPECT-PETITIONER**

(Presently at Prison Hospital - Welikada  
Prison)

**Vs.**

1. The Officer in Charge,

Division Crime Detective Branch,

Vavuniya.

**COMPLAINANT-RESPONDENT**

2. The Attorney General,

Attorney General's Department,

Colombo 12.

**RESPONDENT**

Before : Sampath B. Abayakoon, J.

: P. Kumararatnam, J.

Counsel : Shanaka Ranasinghe P.C. with S. Peiris and A.  
Ranasinghe instructed by Sanjeewa Weerawickrama  
for the petitioner  
: Udara Karunathilaka, S.S.C. for the State  
Inquiry on : 28-08-2023  
Order on : 30-10-2023

**Sampath B. Abayakoon, J.**

This is an application for bail by the suspect petitioner (hereinafter referred to as the suspect) seeking bail for himself in terms of section 10 of the Assistance to and Protection of Victims of Crimes and Witnesses Act No. 4 of 2015.

He has been remanded by the learned Magistrate of Vavuniya in the Magistrate's Court of Vavuniya Case No-B 381/2023 on the basis that he has committed an offence in terms of the provisions of the said Act by threatening and influencing the witnesses in the High Court of Vavuniya Case Number 2923/19.

The suspect has filed this application in terms of section 10 of the Act No. 4 of 2015 as the exclusive jurisdiction to grant bail for a suspect under sections 8 and 9 of the said Act was with the Court of Appeal under exceptional circumstances.

This matter was taken up for consideration before this Court on 28<sup>th</sup> August 2023 and was set for an order for 30<sup>th</sup> October 2023.

However, in the meantime, the new Assistance to and Protection of Victims of Crimes and Witnesses Act No. 10 of 2023 was passed by the Parliament and certified by the Speaker of Parliament on 8<sup>th</sup> August 2023. From the said Act, previously applicable Act No. 4 of 2015 under which this bail application was considered before this Court was repealed and replaced by Act No. 10 of 2023.

The Subject Minister in terms of section 1(2) of the Act No. 10 of 2023 has published the Extraordinary Gazette of the Democratic Socialist Republic of Sri Lanka No. 2348-46 dated 08-09-2023 appointing the date of operation of the Act as 15-09-2023.

Therefore, it is the view of this Court that the now applicable bail provision in relation to an offence committed under the Act shall be section 24 of the Assistance to and Protection of Victims of Crimes and Witnesses Act No. 10 of 2023.

The said section 24 reads as follows,

**24. (1) (a) An offence under section 14, 15, 16, 17, 18, 19, 20, 21, 22 or 23 shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act and a bailable offence within the meaning of the Bail Act No. 30 of 1997.**

**(b) When enlarging a person on bail, the Magistrate's Court shall have the power to stipulate a condition in the order, prohibiting communication with or coming into close proximity with the victim of crime or witness or with such other person as may be specified in such order.**

**(2) A trial against a person accused of having committed an offence under section 14, 15, 16, 17, 18, 19, 20, 21, 22 or 23 shall be taken up before any other business of that court and shall be held on a day-to-day basis and not to be postponed during the course of such trial, except due to unavoidable circumstances which shall be specifically recorded.**

**(3) If, after an inquiry by a court, it is found that there exists *prima facie* material to conclude that a person who, at the relevant point of time was on bail in respect of any offence alleged to have been**

**committed by him, has committed an offence under section 14, 15, 16, 17, 18, 19, 20, 21, 22 or 23 of this Act, the court that granted bail to such person shall cancel such bail and such person shall be placed on remand for such period as may be considered reasonable by such court.**

It clearly appears from the provisions of the new Act that the offences mentioned in section 8 and 9 of the previous Act has been divided into several new sections with better clarity.

I am of the view that there shall be no hinderance for a learned Magistrate to consider bail for a suspect produced in terms of section 8 or 9 of the repealed Act No 04 of 2015, as the sections now mentioned from 14 to 23 refers to the same offences but in more detail. The only difference being that they are cognizable within the meaning of the Code of Criminal Procedure Act and areailable within the meaning of the Bail Act No 30 of 1997 by the Magistrate of the relevant jurisdiction.

I am of the view that section 24 of the Act No 10 of 2023 is applicable to any person, irrespective of the fact whether he was arrested and produced before a Magistrate under the provisions of the now repealed Act No 04 of 2015 or not, as the only legally valid statute now stand in relation to bail is the Act No 24 of 2023.

It is clear that the intention of the legislature had been to deviate from the earlier provisions as to granting of bail for a person suspected of committing a crime under the provisions of the Act, and make it more accessible equally to everyone. Another intention has been to address any shortcomings of the repealed Act that has been identified over the years of its existence.

Hence, the application for bail is dismissed as the jurisdiction to grant bail is now vested with the relevant Magistrate of the Magistrate's Court to which facts have been reported in relation to this case, namely, Magistrate Court of Vavuniya.

The Registrar of the Court is directed to release the documents tendered along with this bail application to the attorney-at-Law of the petitioner, if requested, as they are no longer required.

Proceedings terminated.

Judge of the Court of Appeal

**P. Kumararatnam, J.**

I agree.

Judge of the Court of Appeal