

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

In the matter of a Revision Application under Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka against a judgment of a High Court of the Southern Province acting in the exercise of its Appellate Jurisdiction under section 4 of the High Court of the provinces (special provisions) Act No. 19 of 1990 (as amended) read with Article 154 (P) (3) (b) of the Constitution.

CA/REV No: CPA/111/2025

HC Matara Case No: 280/2022

MC Matara case No: 27018

The Officer-in-Charge,
Crime Investigation Division,
Police Station, Hakmana.

Complainant

Vs.

01. Galla Liyanage Roshan Budhdhika
Bogahawatta,
Gajamangoda,
Kirinda, Puhulwella.

02. Kanakka Vitharanage Chaminda
No.113, Beddigewatta Hen Boraluketiya,
Karathota.

Accused

AND THEN,

Galla Liyanage Roshan Buddhika
Bogahawatta,
Gajamangoda,
Kirinda, Puhulwella.

1st Accused - Appellant

Vs

01. Hon. Attorney General
Attorney General's Department
Colombo 12.

02. Officer-in-Charge,
Crime Investigation Division,
Police Station, Hakmana.

Complainant - Respondents

AND NOW BETWEEN

Galla Liyanage Roshan Buddhika
Bogahawatta,
Gajamangoda,
Kirinda, Puhulwella.

1st Accused – Appellant-Petitioner

Vs

01. Hon. Attorney General
Attorney General's Department
Colombo 12.

02. Officer-in-Charge,
Crime Investigation Division,
Police Station,
Hakmana.

Complainant – Respondent-Respondents

Before: B. Sasi Mahendran, J.
Amal Ranaraja, J

Counsel : Rochelle Ariyawansa with Imesha Fernando for the Accused-
Appellant- Petitioner
Shezan Mahboob, SC for the Respondent

Supported

On: 16.01.2026

Order On: 06.02.2026

ORDER

B. Sasi Mahendran, J.

This revision application has been filed by the 1st Accused Appellant Petitioner (hereinafter referred to as the Petitioner), challenging the judgment of the Learned High Court Judge bearing Case No HC/Appeal/280/2022 marked as X4 dated 04 April 2024 in exercising appellate jurisdiction as per provisions in the High Courts of the (Special Provisions) Act No. 19 of 1990.

The facts and circumstances of this case are as follows,

According to the testimony of PW 1, Kasthuri Arachchilage Piyadasa, on or about the 2nd or 3rd of December 2014, the witness tied five cows and bulls near a paddy field, and later, around 1.00 p.m., when he returned to check on them, he discovered that only three remained, while two had gone missing. After lodging a complaint on the following day, the Police informed him that they had located certain bulls and requested him to attend the station to verify them. The missing bulls bore ear tags, and numbers were 3233176 and 3332197.

It is significant to note that while PW1 initially mentioned the tag numbers during the first date of trial, he later, under cross-examination, denied having provided those numbers either in court or to the Police.

During the testimony of PW 2, ASP Chandana Wijesekara stated that Petitioner and the other Accused were arrested by him on 02nd October 2014, with PW1 being present at the time of arrest. During cross-examination, the witness further stated that the Petitioner and the other Accused were engaged in animal husbandry, and that one of the bulls discovered carried the tag number LA 7133.

The defence argued that the Police had removed bulls belonging to the Petitioner from his farm, affixed tags to them, and then filed a fabricated complaint against the Petitioner and the other Accused.

Upon conclusion of the trial, the Learned Magistrate, by judgment dated 23rd June 2022, found the Petitioner and the 2nd Accused guilty of the charges brought against them. Subsequently, by judgment dated 15th September 2022, the Learned Magistrate imposed 8 months' rigorous imprisonment and a fine of Rs. 1,500/-, with a default sentence of two weeks' simple imprisonment in the event of non-payment. Furthermore, ordered to pay Rs. 10,000/- as compensation to PW1, with a default sentence of three months' simple imprisonment if the compensation was not paid.

Being aggrieved by the aforementioned judgement and the sentence, the Petitioner appealed to the High Court of Matara bearing No. HC/Appeal/280/2022. Upon conclusion of the appeal, the Learned High Court Judge dismissed the appeal of the Petitioner by a judgment dated 04th April 2025, confirming the judgment of the Learned Magistrate.

This revision application is against the judgment of the Learned High Court Judge dated 04th April 2025.

I am mindful that the recently delivered judgement of the Supreme Court, in the case of *W.T.S. Nilantha Fernando v P.M.S. Nilanthi Perera*, in Case No. SC Appeal

65/2025, delivered on 10th October 2025, wherein His Lordship Justice Samayawardena held that,

“Hence, I hold that the Court of Appeal has no jurisdiction, whether by way of final appeal, revision, or restitutio in integrum, to review the judgments or orders of the Provincial High Court, whether in the exercise of its appellate jurisdiction under Act No. 19 of 1990, as amended by Act No. 54 of 2006, or in the exercise of its original jurisdiction under Act No. 10 of 1996. Such jurisdiction is vested exclusively in the Supreme Court.”

In the present matter, the Petitioner has sought to challenge the judgment delivered by the Learned High Court Judge, who exercised appellate jurisdiction under Act No. 19 of 1990, by invoking the revisionary jurisdiction of this Court. In effect, the Petitioner attempts to exercise appellate powers through a revision application. Having considered the recent decision of the Supreme Court referred to above, I am constrained to hold that this Court lacks jurisdiction to entertain or adjudicate upon the instant application. Accordingly, the application is not maintainable before this Court.

Therefore, I hereby dismiss this revision application and will not make any order regarding the cost.

JUDGE OF THE COURT OF APPEAL

Amal Ranaraja, J.

I AGREE

JUDGE OF THE COURT OF APPEAL