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

In the matter of an Appeal in terms of Section 331 of the Code of Criminal Procedure Act No. 15 of 1979.

Democratic Socialist Republic of Sri Lanka

Complainant

CA Case No: CA/HCC/184/23

HC of Colombo Case No: HC 7732/15

Vs.

Jeyasingham Rajini alias Sudhakaran

Accused

AND NOW BETWEEN

Jeyasingham Rajini alias Sudhakaran

Accused-appellants

V.

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

Complainant-Respondent

Before: **P. Kumararatnam, J.**
B. Sasi Mahendran, J.

Counsel: Shanaka Ranasinghe, PC, with Anushika Ranasinghe for the Accused Appellant
Janaka Bandara DSG for the Respondent

Written Submissions On: 14.03.2024 (by the Accused-Appellant)

Argued On: 13.01.2026

Judgment On: 25.02.2026

JUDGEMENT

B. Sasi Mahendran, J.

The Accused Appellant (hereinafter referred to as 'the Appellant') was indicted before the High Court of Colombo for Possession and Trafficking 2.53 g of Heroin under Section 54 (a) (d) and Section 54 (a) (b) of the Poisons, Opium and Dangerous Drugs Ordinance, No. 13 of 1984, as amended.

At the trial, the prosecution presented evidence through ten witnesses and marked productions P1-P6 and thereafter closed its case. The Appellant, in his defence, made a dock statement and called one witness.

At the conclusion of the trial, the Learned High Court Judge, by his judgment dated 31.03.2023, found the Appellant guilty of Possession and Trafficking of 2.53 g of Heroin and imposed life imprisonment.

Being dissatisfied with both the conviction and the sentence imposed by the Learned High Court Judge, the Appellant preferred an appeal before this Court, articulating the following grounds in support of their challenge.

1. Failure to consider contradictions born out of the evidence of the prosecution witnesses, namely, PW 01 and PW 02.
2. Failure to evaluate the probability of arrest of the accused.
3. Failure of the prosecution to place independent evidence regarding the weighting the substance

The facts and circumstances of this case are as follows,

On March 17, 2014, PW 1, IP Chandana Jaya Shri Mahendra, served as the OIC of the Western Province Anti-Corruption Unit, and at approximately 6:00 a.m., he carried out his routine raids with six officers attached to his unit. At around 3:50 p.m., upon reaching Madampitiya Road, he proceeded towards 75 Estate, Thotalanga, an area known to be frequented by drug addicts. This raid was specifically targeted at that location. After traveling a short distance, he entered 75 Estate from the left and moved towards the public toilet situated there. At that point, he observed the Appellant wearing a yellow T-shirt and black shorts emerging from a ditch on his right side from inside a slum. The Appellant was heading towards the 75 Estate public toilet in a frightening manner. PW 1 noted that he himself was wearing uniform number 02, and upon seeing him, the Appellant appeared visibly disturbed.

Page 57 of the brief,

> ප්‍ර : එම අවස්ථාවේ ඔහුගේ හැසිරීමේ යම් වෙනසක් දුටුවාද?
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> උ : එහෙමයි. සාමාන්‍යයෙන් ජනාකීර්ණ ප්‍රදේශයක්. මෙම පුද්ගලයා සාමාන්‍යයෙන් කලබල ස්වරූපයෙන් පැමිණියේ. එම කලබලකාරී ස්වරූපය නිසා ටමයි මම පරීක්ෂා කිරීමට කල් කලේ.
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> ප්‍ර : ඇයි කලබලකාරී වුනේ?
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> උ : මම සිටියේ අංක 2 නිල ඇදුමෙන්, එම නිසා තමයි ඔහු කලබල වුනේ .
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> ප්‍ර : ඉන්පසු මොකද්ද ගත් පියවර?
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> උ : මා ඔහු දකින විට මම සිටි ස්ථානයේ සිට අඩි 13ක් 15ක් පමණ දුරින් සිටියේ. එතනින්ම මම ඔහු ඉක්මනින් අල්ලා ගත්තා. එසැනින්ම අනෙක් නිලධාරින් පැමිණ ඔහුව වට කර ගත්තා. මා ඔහු පරීක්ෂා කළා. ඔහු ඇඳ සිටි කොට කලිසමේ දකුණු පැත්තේ සාක්කුවේ තිබී ලා රෝස පාට සෙලෝපේන් උරයක් සොයා ගත්තා.

Then the PW 1 quickly approached and apprehended him, with the help of the other officers. Upon searching the Appellant, PW 1 recovered a light pink cellophane bag in the right pocket of his shorts, which the witness identified as containing heroin. According to the witness, he opened the bag in front of the Appellant. Thereafter, the substance was

placed in an envelope brought by him and kept in his custody in plain sight of the Appellant. Then he had put notes in his pocket diary and proceeded to the Appellant's house, and was searched by the other officers, and nothing further was found. According to him, Appellant's parents were present in the house. Thereafter, they proceeded to the Dedigama Pawn shop for weighing, which confirmed a net weight of 15 grams and 60 milligrams.

Thereafter, he proceeded to the police station, and the production was properly sealed and entered under PR 50/14 and handed over to PC 61074 Dayawansa. During the trial, the witness identified the production.

During cross-examination, the witness stated that he had gone to conduct a routine raid. He also described how he and the officers entered the area, and only the witness was in his uniform, and others were in civil attire. He has explained how the Appellant was apprehended. The defence suggested to the witness that the appellant had, in fact, been arrested while sleeping at his home in the presence of his parents. This suggestion was flatly denied by the witness. He stated how the Appellant behaved when he saw this witness.

Page 71 of the brief,

> ප්‍ර : ඇවිල්ලා මහත්මයාගේ ඉස්සරහාට ආවද ඔය විත්තිකරු ?
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> උ : ඒ මුඩුක්කුව අපි පැමිණි පාර ක්‍රොස් කරලා අනික් පැත්තටත් යන්න පුළුවන්. ඔහු අපි ගමන් කරපු මාවතට එන්න තමයි ආවේ. අපි ගමන් කරපු පාරට. ඔහුට තිබුණු කලබලකාරී ගතිය මගේ සැකයට භාජනය වුනා. ඒ අනුව තමයි ස්වාමීනි පරීක්ෂාවට ලක් කළේ.

Before the Appellant could make any move, the witness apprehended him. The distance between the witness and the Appellant was approximately 12 to 15 feet, leaving the Appellant with no opportunity to turn back or escape. The witness further testified that he personally placed his hand into the right pocket of the appellant's shorts and recovered the heroin. The defence repeatedly suggested that the appellant had been arrested while sleeping at his home. This suggestion was categorically rejected by the witness. It was also suggested that the appellant's mother was present when he was arrested at his house. The witness denied this, stating instead that the appellant was arrested at the location he had described, and thereafter taken to his house, where his mother was present at the time.

According to the testimony of PW 2, PC 10758, Fonseka, on 17.03.2014, PW 1 summoned a group of officers, including himself, to conduct a raid. His evidence corroborated the account of how they approached the location, effected the arrest, proceeded to the premises, and sealed the productions. I now turn to consider the evidence presented during cross-examination.

When cross-examined, the witness, while corroborating the evidence of PW 1, affirmed the manner in which they approached and arrested the Appellant. The witness further admitted that PW 1 did not personally know the Appellant, and that PW 1 himself conducted the search of the Appellant. The witness denied the suggestion put forward by the defence that the Appellant was arrested at his residence while his mother was asleep. The witness also stated that the parcel in the Appellant's possession was placed in an envelope by PW 1 at the place of arrest, and the sealing was done after the parcel was weighed and properly enclosed.

Upon perusing the evidence of PW 2, his testimony corroborates the evidence of PW01. Furthermore, I note no material contradictions between the testimonies of PW1 and PW2 that would cast doubt on their credibility. I am mindful that our Courts, as affirmed by the Court of Appeal, uphold the presumption that the Learned Trial Judge, having observed the witnesses during examination-in-chief and cross-examination, was well placed to assess their credibility, benefiting from firsthand impressions of their demeanor and deportment throughout the Trial.

The function of an appellate court in dealing with a judgment mainly on the facts from the court, which saw and heard witnesses, has been specified as follows by Macdonnel CJ in the ***King v. Gunaratne and Another***, CLR V.14 page 144, Macdonnel CJ:

> *"This is an appeal mainly on facts from a Court which saw and heard the witnesses to a Court which has not seen or heard them, and in dealing with this judgment I have to apply the three tests, as they seem to be, which a Court of Appeal must apply to an appeal coming to it on questions of fact. Can we say that the verdict of the learned District Judge, namely, that these people are guilty, was unreasonably. against the, weight of the evidence adduced on both sides? Clearly it is not possible to say that. Can we say that there has been any misdirection either on the law or on the evidence? Again*

I do not think it would be possible to say so. There was a point of law argued here that accused had no intention to cause loss in the end. I have dealt with that, and properly understood, I do not think it is a misdirection in law at all. I do not remember any other point that was seriously raised to this Court as a misdirection, Them there is the third ground of interference, that the Court of trial has drawn the wrong inferences from matter in evidence which is as much before this Court as. it. was before the Court of trial, for instance, documents. Again, I do not think it can be said that there has been any wrong inferences drawn by the Court of trial. On the contrary, the documents put in seem, rightly apprehended, to support the findings of fact arrived at by the learned District Judge."

He held further:

"The principles laid down by the authorities, referred to above, make it clear: that, although the findings of a Magistrate on questions of fact are entitled to great weight, yet, it is the duty of the Appellate Court to test, both intrinsically and extrinsically the evidence led at the trial: that, if after a close and careful examination of such evidence, the Appellate Court entertains a strong doubt as to the guilt of the accused, the Appellate Court must give the accused the benefit of such doubt."

Applying the above legal principle, and having already analyzed the testimonies of PW1 and PW2, I am satisfied that the Learned Trial Judge has correctly evaluated the evidence of both witnesses and reached a justifiable conclusion that their evidence is truthful and consistent. There is no basis to disregard or disbelieve this finding. Furthermore, it is observed that Counsel for the Appellant failed to establish any contradictions or inconsistencies between the testimonies of these two witnesses.

In light of this, there is no justification to reject the evidence on such grounds. Nothing has been presented that would undermine the credibility or trustworthiness of the said witnesses. I am therefore of the view that the Learned High Court Judge rightly found both witnesses to be reliable. Their evidence concerning the arrest of the Appellant and the recovery of the productions was coherent and dependable.

The next issue is whether the prosecution has established that the production recovered from the Appellant was properly forwarded to the Government Analyst's Department, without leaving room for suspicion. It must be shown that there was no opportunity for tampering and that the production reached the Government Analyst in its original state. This is crucial because the court relies on the Government Analyst's report to determine whether the recovered production falls within the scope of the Dangerous Drugs Ordinance and to verify its pure weight. Only upon such confirmation can the charge against the accused be properly established.

Our courts are very strict in analyzing the inward journey of productions recovered, up to their submission to the Government Analyst.

I am mindful of the observation made by J.A.N. De Silva.J., as he was then, in ***Perera V. Attorney General 1998*** (1) SLR page 378 at page 380:

> *"It is a recognized principle that in a case of this nature, the prosecution must prove that the productions had been forwarded to the Analyst from proper custody, without allowing room for any suspicion that there had been no opportunity for tampering or interfering with the production till they reach the Analyst. Therefore it is correct to state that the most important journey is the inwards journey because the final Analyst report will be depend on that. The outward journey does not attract the same importance."*

In the case of ***Mohammed Kaldeen Mohammed Nilam v. Attorney General CA*** 98/2002 (unreported), it was held that,

> *"... the prosecution cannot escape from the responsibility of proving the inward journey of the production beyond any reasonable doubt and establish the inward journey in order to show that the productions were never tampered with at any stage of the inward journey which is much more significant and relevant than the outward journey ... "*

This judgment was referred to by Her Ladyship K.K. Wickremasinghe, J. in ***Albert Deny Kunja v. Attorney General***, CA 92/2007, Decided on 06.07.2018.

His Lordship Pradeep Hettiarachchi, J in ***Ranasinghe Arachchige Wijedasa v. AG***, CA/HCC/0203/20, decided on 19.12.2025, has considered the following judgments;

Witharana Doli Nona vs Republic of Sri Lanka (CA19/19), where it held that;

> *"The prosecution must prove the chain relating to the inward journey. The purpose is to establish that the productions have not been tampered with and that the very productions taken from the accused-appellant was examined by the Government Analyst. To this end, the prosecution must prove all the links of the chain from the time it was taken from the accused-appellant to the Government Analysts' Department."*

Justice Hettiarachchi further held that;

> *"The object and purpose of proving the chain of productions is to ensure that what was recovered is sent to the Government Analyst, and to exclude any possibility of mixing up or tampering with the production."*

The above jurisprudence indicates that the prosecution has to lead evidence that there is no tampering or interference with the production till they reached to the Government analyst. During the argument stage, the learned President Counsel for the appellant brought to the notice the following arguments,

1. Did the learned High court judge misdirect in law by concluding that the evidence given by PW 13 retired SI Piupala on 24/02/2020 claiming that the production in question was handed over to PS 27035, Wijeratne, had been recorded inadvertently;
    a. After the presiding Learned High Court Judge had signed said proceedings.
    b. After the prosecutor had not moved to correct the said evidence before the presiding Learned High Court judge on 25/9/2020 when certain proceedings was corrected before closing the prosecution case.
    c. After the prosecution did not correct the said proceedings even at the time of final correction made on 18/10/2022.

02. Did the learned high court judge misdirect in law by failing to consider that the prosecution failed to prove the chain of productions until the said production reached the government analyst for analysis as required by law.

03. Did the High Court judge give any reasons on der that the prosecution case.

04. Did the Learned High Court judge misdirect in law by failing to consider that the prosecution failed to prove its case beyond reasonable doubt.

05. Did the learned high court judge misdirect himself in rejecting the defence

The main argument is that PW 13, in his testimony, stated that he handed over the production to P.S. 27035 Wijeratne to be taken to the Government Analyst. However, the actual officer who delivered the production to the Government Analyst was P.S. 17037 Wijeratne. This contradiction was noted and considered by the Learned High Court Judge in delivering the judgment. Before addressing the merits of this argument, it is important to examine the evidence presented by the prosecution concerning the chain of custody.

PW 08, P.C. 61074 Dayawansha has given evidence that on 17.03.2014 at 18.45 hours, he received the production under receipt number PR 50/14 from PW 01 and handed it over to PW 09, P.S. 25675 RamyKumara at 21.20 hours on the same day.

According to PW 09, P.S. 25675 RamyKumara, he received production from PW 08, P.C. 61074 Dayawansha on 17.03.2014 at 21.20 hours, and on 18.03.2014 at 5.15 hours, the production was handed over to PW 12, P.S. 77114 Jayathilaka.

The PW 12, P.S. 77114 Jayathilaka has given evidence that on 18.03.2014 at 5.15 am, the production from PW 9, P.S. 25675 RamyKumara and handed over to the officer PW 10, P.C. 39112 Jayasinghe at 11.45 am on the same day.

PW 10, P.C. 39112 Jayasinghe, testified that he was serving as an assistant officer to PW 13 and was occasionally responsible for receiving and handing over productions. He stated that, following the instructions of PW 1, he collected the productions on 18.03.2014 under PR 50/14 from PW 12, P.S. 77114 Jayathilaka, and the production was properly sealed. He confirmed that he duly placed the materials in a locker within the case materials room, locked it, and did not hand them back to PW 13. After securing the materials, he handed over the keys to PW 13 after informing about the production.

I note that PW 10 handed over the keys to PW 13.

PW 11, P.S. 17037 Wijeratne, testified that on 19.03.2014, at 10:00 a.m., he received the production under PR 50/14 from PW 10. He confirmed that the production was properly intact and recorded an entry upon receipt. He further stated that the production was taken to the Government Analyst's Department and handed over at 3:10 p.m. to an officer named Jayasekara. The witness also confirmed that he received the memorandum

bearing CD/1361/14 at the time of handing over the production. It is pertinent to refer to the document marked P6, in which the Government Analyst has indicated that the production was indeed handed over to him by this witness, namely, P.S. 17037 Wijeratne.

At cross-examination, this document was not challenged by the defence. The said document records the following facts:

1. The production was handed over by PW 11, namely P.S. 17037 Wijeratne
2. The document bears the number CD/1361/14, which was indicated in the said government report
3. The date of handing over is 19.03.2014.

Further, it is pertinent to refer to the indictment, which specifically sets out the list of witnesses.

01. පොෙ.ප චන්දන. බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
02 පොෙ.සැ. 10757 පොන්සේකා. බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
03. පොෙ. සැ. 33936 බණ්ඩාර බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
04. පොෙ.සැ. 30065 ආනන්ද , බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
05. පොෙ.කොෙ. 61115 පෙරේරා, බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
06. පොෙ.කොෙ. 86637 බණ්ඩාර, බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
07. පොෙ.කොෙ . 61178 චතුරංග. බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
08. පොෙ.කොෙ . 61074 දයාවංශ. බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
09. පොෙ.සැ. 27675 රම්‍ය කුමාර බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
10 පොෙ.කොෙ 39112 ජයසිංහ බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
11. පොෙ.සැ. 17037 විජේරත්න බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
12. පොෙ.කොෙ. 77114 ජයතිලක. බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
13. පොෙ.ප. පියපාල, බස්නාහිර පළාත් දූෂණ මර්ධන අංශය. දෙමටගොඩ.
14. කේ.ජී. රත්නපාල සහකාර රස පරීක්ෂක රස පරීක්ෂක දෙපාර්තමේන්තුව නොෙ : 31. ඉසුරු මාවත. පැලවත්ත, බත්තරමුල්ල

According to the list of witnesses, there is no reference to P.S. 27035 Wijeratne. This omission was a mistake made by PW 13, which was subsequently not corrected by the prosecution.

According to PW 07, P.C.61178 Chathuranga, he had on 23.06.2014 taken the production relating to B.21535/14 from the Government Analyst's Office, and after the case production with the notes and properly sealed was brought and handed over to Ms. Anushka, the Officer in Charge of the Maligakanda Magistrate's Court.

The Government Analyst, PW 14, K.G.Ratnapala affirmed that he prepared the report marked as P10 and confirmed that the production received weighed 15.56 grams, with a pure quantity of 2.53 grams, as mentioned by PW 1. The said document also bears the reference number CD/1361/14.

Thereafter, the prosecution called PW 13, Retired SI Piyapala, who stated that on 14.03.2019, he handed over the production to P.S. 27035 Wijeratne to be taken to the Government Analyst. He further confirmed that the production was properly sealed. He also admitted that he had received production from P.C. 39112 Jayasinghe. I note that this evidence was led on 24.02.2020. According to his testimony, the production was handed to P.S. 27035 Wijeratne. However, according to PW 11, the officer's number is P.S. 17037 Wijeratne.

Upon the conclusion of the prosecution's evidence, the Appellant, in his Dock statement, claimed that he worked at a fish shop and returned home around 12:30 p.m. He stated that he was asleep on the third floor when the police arrived and woke him up. After he went downstairs, he was made to sit on a chair while others watched a cricket match. At that time, PW 1 received a call, after which the Appellant was told to accompany them to give a statement. He further stated that the police opened a drawer, took a parcel, placed it in another envelope, and did not explain their actions when questioned.

The main argument advanced by the defence was that the prosecution had not properly established the inward journey of the production, and that the Learned High Court Judge failed to consider the discrepancy between the evidence of PW 11 and PW 13. The issue before us is whether this contradiction in the service number of PW 11 creates any doubt in the prosecution's case or whether it undermines the credibility of the prosecution's evidence. I am mindful that PW 13 is a retired police officer.

When I peruse the journal entry, it is noted that although summons were issued to him several times, he did not appear until the date on which he eventually gave evidence, namely 24.02.2020. The journal entries record that summons were issued on 04.04, 29.04, 26.07, and finally on 25.11.2019. He appeared only on the final day of the trial. It is

pertinent to refer to the portion of the judgment where the Learned High Court judge has considered this discrepancy.

Page 242 of the brief,

ඒ අනුව සංදේශයේ සඳහන් නඩු භාණ්ඩ රස පරීක්ෂකවරයා වෙත භාර දුන් නිලධාරියාගේ අංකය පොසැ.17037 විජේරත්න බවට පැහැදිලිව සඳහන් කර ඇති පසුබිම සහ පොසැ.17037 විජේරත්න නැමැති නිලධාරියා පැසා.11 ලෙස මෙම අධිකරණය ඉදිරියේ පැහැදිලි සාක්ෂි ලබා දී ඇති පසුබිම තුළ මෙම පැසා. 13 විශ්‍රාමික උප පොලිස් පරීක්ෂක පියපාල නැමැති නිලධාරියා සාක්ෂි ලබාදුන් අවස්ථාවේදී අදාල පොසැ.විජේරත්න යන සාක්ෂිකරුගේ අංකය 17037 වෙනුවට 27035 යැයි සඳහන් කිරීමක් කර ඇති බව පෙනී යයි. කෙසේ වෙතත් ඉහත මා විසින් කර ඇති නිරීක්ෂණයන් සියල්ලට අනුව එය හුදෙක් ප්‍රමාද දෝෂයකින් සඳහන් කර ඇති බව පෙනී යන අතර කෙසේ වෙතත් නඩු භාණ්ඩ එදින එනම් 2014.03.19 දින රජයේ රස පරීක්ෂකවරයා වෙතට ගෙන ගොස් ඇත්තේ පොසැ.17037 විජේරත්න බවට පැහැදිලි සාක්ෂි අධිකරණය ඉදිරියේ ඉදිරිපත් වී ඇති පසුබිම තුළ මෙම පැසා.13 විශ්‍රාමික පොලිස් නිලධාරියා සාක්ෂි ලබාදුන් අවස්ථාවේදී නඩු භාණ්ඩ රස පරීක්ෂක වෙත රැගෙන ගිය නිලධාරියා වශයෙන් පොසැ.විජේරත්න යන නිලධාරියෙකු සඳහන් කලද එම නිලධාරියාගේ අංකය 27035 යැයි සඳහන් කර තිබීම ප්‍රමාද දෝෂයකින් සඳහන් කර තිබීමක් බවට යුක්ති සහගතව නිගමනය කල හැකිය. මෙම නඩුවට අදාලව ඉහත පරිදි නඩු භාණ්ඩ රජයේ රස පරීක්ෂකවරයා වෙත රැගෙන ගියා යැයි සඳහන් කල බවට සාක්ෂි ලබා දුන් පැසා. 11 පොසැ.17037 පියරත්න නැමැති නිලධාරියා අධිකරණය ඉදිරියේ සාක්ෂි ලබාදුන් අවස්ථාවේදී දේපළ කුවිතාන්සි අංක 50/2014 ට අදාල නඩු භාණ්ඩ 2014.03.19 වෙනි දින රස පරීක්ෂක දෙපාර්තමේන්තුවට ගෙන ගොස් ජයසේකර නැමැති නිලධාරිනියට භාරදුන් අවස්ථාවේදී එම නිලධාරිනිය අත්සන් තැබූ බවට පවසා එම දේපළ කුවිතාන්සිය ද අධිකරණය ඉදිරියේ පැ.06 ලෙස හඳුනාගෙන ඇති අතර එම පැසා.11 පොසැ.17037 විජේරත්න නැමැති නිලධාරියාගේ අත්සනද එහි බෙදා හරිනු ලබන නිලධාරියාගේ අත්සන යන කොටස යටතේ තිබෙන බවට එම සාක්ෂිකරුම හඳුනාගෙන එය පැ.06 (C) ලෙස ලකුණු කිරීමක්ද කර ඇති පසුබිම තුළ සැබවින්ම මෙම නඩු භාණ්ඩ රජයේ රස පරීක්ෂකවරයා වෙත ගෙන ගොස් දී ඇත්තේ එකී පැසා.11 පොසැ.17037 විජේරත්න බවට කිසිදු සැකයකින් තොරව සනාථ වී ඇත.

The question before us is whether this discrepancy creates any doubt over the inward journey of the production. Our courts have consistently held that the prosecution must establish, beyond a reasonable doubt, through evidence, that the inward journey from recovery to the Government Analyst was free from any opportunity for tampering at any stage. The Government Analyst has indicated that the production was duly sealed. PW 13 also stated that when he received and handed over the production, it was properly sealed. There is no evidence to suggest that the production was tampered with. I am mindful that, throughout the inward journey, the prosecution is required to prove that the production recovered from the Appellant was duly sent to the Government Analyst.

By giving the wrong service number of the police officer, though the name was correctly stated, the question arises whether any doubt is thereby created. Such a discrepancy could suggest the possibility of mixing up or tampering with the production. The document marked as P6 clearly indicates that the production was handed by the PW 11, who also testified that the production was properly sealed. Therefore, I am of the view that the confusion regarding the service number, which was created by PW 13, does not in fact give rise to any reasonable doubt in the prosecution's case.

Furthermore, I observe that the Learned High Court Judge has correctly analyzed the evidence presented in support of the defence version and has provided cogent reasons for rejecting both the Appellant's account and the testimony of his witness.

In those circumstances, I am not inclined to interfere with the judgment delivered by the Learned High Court Judge together with the sentencing order and dismiss the appeal.

The Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

P. Kumararatnam, J.
I AGREE

JUDGE OF THE COURT OF APPEAL