

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

**C.A. (COC) Application No:
0031/2025**

In the matter of an application for a ruling of Contempt of Court under and in terms of Section Contempt of A court, Tribunal or Institution Act No 8 of 2024 read together with article 105 (3) of the constitution of the Democratic Socialist Republic of Sri Lanka, by bringing the authority of a Court, into disrespect by giving false Evidence dated **2025/06/17** to the Magistrate's Court of Colombo Court 3 **Case No 15366/3/14**

Ronald Michael Stanley
Permanently Residing at 4 Natalie
Court, Cranbourne, Victoria 3977,
Australia

Temporarily, at 49, Lionel
Edirisinghe Mw,
Colombo 5.

PETITIONER

-Vs-

Vitharanalage Sugath Jayalal
Wansapura Sgt 70232
C/O

Inspector General of Police
Police Headquarters
Slave Island
Colombo 02.

ACCUSED/RESPONDENT

Before : **Hon. Rohantha Abeyseriya PC, J.(P/CA)**

: **Hon. K. Priyantha Fernando, J.(CA)**

Counsel : Petitioner is present in person

Written Submissions on : 23.01.2026 for the Petitioner

Decided on : 10.02.2026

K. Priyantha Fernando, J.(CA)

The Petitioner has invoked the jurisdiction of this court seeking an interim order staying the proceedings of the Case bearing no. 15366/3/14 being heard in the Colombo Magistrate Court and to charge the Accused Respondent police officer with contempt of court for allegedly providing false evidence dated 17.06.2025 in the said case.

The Petition was supported on 12th November 2025, upon which notice was issued to the Respondent. Having sent notices, when the case was called once again on 26th November 2025, the Respondent was not present nor was he represented and hence notices were reissued requesting that the Respondent be present on 12th January 2026. However, the Respondent was not present and as such the Court fixed the matter for order.

POSITION OF THE PETITIONER:

The Petitioner submitted that he had paid the company which belonged to one Maithree Fernando (the 1st Accused in case no. 15366/3/14) a sum of Rs. 6.75 million Rupees and was willing to continue making payments for the vehicles bearing Nos. KO 8841 and KO 8836. The Petitioner submitted that he had also sent letters to the said Maithree Fernando through his Counsel urging arbitration.

However, on 21st September 2014, when he arrived at his place of residence in the car bearing no. KO 8841, a mob (including Maithree Fernando) surrounded him, smashed the window of the car, assaulted him and forcefully took possession of the said car. This alleged robbery and assault had resulted in broken pieces of glass scattered across the driveway to the Petitioner's residence. Following the infliction of the injuries, he was rushed to the general hospital. The General Hospital medical report has been marked as X1.

While the Petitioner was in hospital, he had been forced by the then SSP Colombo, Mr. Ratnagala to attend a police inquiry. Expecting that the inquiry would settle the matter, the he discharged himself from the General Hospital and was met with Mr. Gayan Lansa (former mayor of Negombo), the 1st Accused and brother of the Minister Namal Lansa. The Petitioner stated that he was threatened to withdraw the complaint. Furthermore, the Petitioner stated that

Maithree Fernando had agreed that 70% of the VAT derived from the monthly payments of the Petitioner would be refunded to the Petitioner.

However, Maithree Fernando has not been able to service the payments and requested that the Petitioner continue with the monthly payments and a written guarantee has been provided admitting that the car was

taken arbitrarily, a sum of Rs. 200,000/- was in the vehicle at the time, all payments made by the Petitioner were consistent and accurate, the balance payment due was restructured to Rs. 75,000/- a month and the stolen vehicle would be returned (The letter dated 23rd September 2014 signed by Maithree Fernando has been marked X2)

The Petitioner submitted that the following details should be noted based on the statement (Statement GCIB 224/349 marked as X3) given by Maithree Fernando, the 1st Accused in the Magistrate case bearing No. 15366/3/14 in which he stated that; he was accompanied by many others at the time of the robbery; it was Amila Ishantha (2nd Accused) who broke the window of the car with a wheel wrench and forcefully drove off in the car; the vehicle which was arbitrarily taken was KO 8841.

Furthermore, H. P. Kusumachandra, (the 3rd Accused in the Magistrate case bearing No. 15366/3/14) broke the car window on the orders of the 1st Accused and drove off in the car, while G. D. Amila Nishantha, (4th Accused) smashed the car window.

The Petitioner has requested copies of the relevant documents detailing such information from the police but only received them in May of 2025 and is yet to receive the site report dated 2014.09.21.

The Petitioner submitted that he was later summoned to the Kirulapone police and ASP Mr. Nishantha Soysa who was present, requested Maithree Fernando (1st Accused) to return the car and settle the dispute. However, Maithree Fernando has refused to do so despite the Petitioner's attempts to assure him that he would continue to make the said payments and clear the balance on the vehicles. Due to Maithree Fernando's non-compliance, a B report and Further Report has been filed in the Magistrate court, marked as X4 and X4a. A true copy of the Charge sheet against Maithree Fernando and 3 others

charged with Robbery and causing Simple Hurt (under Sections 380 and 314 along with Section 32 of the Penal Code) has been produced marked X4b.

MAGISTRATAE COURT PROCEEDINGS:

The Petitioner is the complainant and witness to the case No. 15366 being heard in the Colombo Magistrate Court filed against 4 accused charged under Section 380 along with Section 32 of the Penal Code and Section 314 of the Penal Code. It was alleged that the **Accused-Respondent in the instant application given false evidence on 17th June 2025**, marked as 'X'. The Petitioner alleged that the Respondent-Accused has given false and deliberately misleading evidence to skew administration of justice.

The Petitioner submitted that the following details should be noted based on the evidence given by the Respondent in which he stated and/or alleged that;

- a. The Crime OIC SI Kariyawasam of the Kirulapone Police arrived at the scene of the crime with the Accused Respondent.
- b. Upon inspection of the crime scene the Accused-Respondent admitted to seeing broken pieces of glass (Which the Petitioner submitted were from the window of the vehicle bearing license plate no. KO 8841).
- c. Since the stolen vehicle was not present it was a joint investigation.
- d. Accused-Respondent saw the Petitioner in his residence at the time of the accident (which the Petitioner alleged is false as he had been admitted to hospital due to pieces of broken glass embedded in his face and arm).
- e. The OIC had arrested several individuals in relation to this crime.
- f. He was in possession of the investigating officer's notes.

g. He had not taken samples of the glass as evidence (which the Petitioner stated was done deliberately to assist the Accused Respondent).

h. He could not confirm where the broken glass had come from (be it a vehicle or some other item).

IS THERE A PRIMA FACIE CASE AGAINST THE RESPONDENT-ACCUSED?

The Petitioner submitted that the Accused Respondent ought to be charged with contempt of court for allegedly providing false evidence dated 17.06.2025 in the said case. The Petitioner tendered an affidavit dated 23rd January 2026 reiterating his case and submitted that the Sri Lankan Police has filed numerous (21) criminal cases against him since his arrival to the country in 2010. Due to the volume of cases and the travel ban imposed against him he is also unable to return to his country of domicile and has even lost the business he established in Australia and all his assets amounting to approximately 4 million Australian Dollars.

If any witness gives false evidence before a court, the same court is vested with powers to deal with such act. Section 11 of the Oaths and Affirmation Ordinance No. 9 of 1985 provides that the giving of false evidence before a Court amount to Contempt of Court. Section 11 of the Oath and Affirmation ordinance sets out that the “opinion of the court before which the judicial proceeding is held” is the standard which decides whether or not false evidence has been given and thus whether a contemptuous act has been committed.

In the instant matter, the alleged false evidence has been given before the learned Additional Magistrate of Colombo and thus, it is the view of this court that this matter should be proceeded before that court.

Regarding the evidence given under cross examination by the Respondent-Accused, it is apparent that not a single question has been put to the witness by way of re-examination. The best action the Petitioner could have taken is to retain a counsel for him to look after his interests. The Petitioner has revealed in his affidavit dated 23rd January 2025 that the Sri Lanka Police serving their political masters have filed bogus criminal cases against him and thus the police have continued giving false evidence in these cases. However, not a single suggestion has been made with regard to giving of false evidence when the opportunity was open for the re-examination of the witness who was the Respondent-Accused in this application.

For the foregoing reasons, it is my considered view that the Petitioner has not been able to show that there exists a prima facie case to get Rule against the Respondent-Accused.

IS THE COURT OF APPEAL THE MOST SUITABLE FORUM FOR THIS APPLICATION?

Sections 55(1) and (2) of the Judicature Act No. 20 of 1978 provides that reads as follows:

“ 55. Contempt proceedings.

- (1) *Every District Court, Family Court, Small Claims Court, Magistrate’s Court and Primary Court shall, for the purpose of maintaining its proper authority and efficiency, have a special jurisdiction to take cognizance of, and to punish with the penalties in that behalf as hereinafter provided, every offence of contempt of court committed in the presence of the court itself and all offences which are committed in the course of any act or proceeding in the said court respectively, and which are*

declared by any law for the time being in force to be punishable as contempt of court.

(2) The following sentences of fines or imprisonment as the case may be, may be imposed on conviction for contempt by the following courts respectively, namely-

(a) by a District Court and Family Court a fine not exceeding two thousand five hundred rupees or imprisonment, either simple or rigorous, for a period not exceeding two years;

(b) by a Small Claims Court and Magistrate's Court – a fine not exceeding one thousand five hundred rupees or imprisonment either simple or rigorous, for a period not exceeding eighteen months; and

(c) by a Primary Court – a fine not exceeding five hundred rupees or imprisonment, either simple or rigorous, for a period not exceeding three months.” (emphasis added)

Thus, the Petitioner is at liberty to proceed his case of contempt before the same Magistrate Court provided, he would be able to satisfy the Additional Magistrate Court of the alleged act of giving false evidence.

Furthermore, it is clear from **Section 6** of the Contempt of a Court, Tribunal or Institution Act, No. 8 of 2024 that while the Court of Appeal is vested with the power to hear matters as these, the rights of the Courts of First Instance to punish for contempt have not been affected. Section 6 of the Act states as follows:

“6. (1) The Supreme Court and the Court of Appeal shall have the power to punish for contempt of itself, whether committed in its presence or hearing or elsewhere.

(2) *Where the Supreme Court or the Court of Appeal, as the case may be, in the exercise of its jurisdiction as referred to in subsection (1), takes cognizance*

(a) of contempt of court committed in its presence or hearing, the Supreme Court or the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 8; and

(b) of contempt of court committed otherwise than in its presence or hearing, the Supreme Court or the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 9.

*(3) The Court of Appeal shall have the power to punish for contempt of a Court of First Instance or tribunal or institution, whether committed in its presence or hearing or elsewhere: **Provided however, the provisions of this section shall not prejudice or affect the rights of a Court of First Instance to punish for contempt of itself.***

(4) Where the Court of Appeal, in the exercise of its jurisdiction as referred to in subsection (3), takes cognizance of contempt of a Court of First Instance or tribunal or institution referred to in that subsection, the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 10.”(the emphasis was added)

Moreover, it is the view of this court that not only is the Court of Appeal not the sole forum for the adjudication of matters of contempt, in some instances it is not the most suitable, especially in terms of practicality and instances where original jurisdiction has been exercised. This situation of concurrent jurisdiction has prevailed even before the

Contempt of Court, Tribunal or Institution Act, No. 8 of 2024 was enacted.

This view was opined by His Lordship P. Padman Surasena (as His Lordship then was) in **Mary Jean Varma v Dr. Chrisantha Nicholas Anthony Nonis and others** CA/(CC)/11/2016 decided on 24.01.2017. The relevant portion of the judgment reads as follows:

“...It is to be noted that the main case is still pending before that High Court and the orders that are alleged to have been violated by the Respondents are interim orders that the learned High Court Judge had made at the very first instance of the case.

The case record containing all the relevant material as well as all the relevant parties are already before the said High Court. If the Respondents have violated the interim orders granted by the High Court thus committing an offence of contempt, the question arises as to why the said High Court cannot deal with this case particularly when it has been specifically vested with such power by the legislature. Similarly the question as to why in those circumstances this court should entertain this case when it is clearly a matter which should come under the purview of the High Court.

*One has to bear in mind in this regard that in our system of law, the Court of Appeal is considered as one of the two superior courts of record. **It also has to be borne in mind that the main function of the Court of Appeal is to deal with appeals as its very name "Court of Appeal" denotes.***

The other aspect which has to be highlighted at this moment is that this is a case involving exercise of original jurisdiction (as opposed to the appellate jurisdiction).

*Although Article 105 (3) of the Constitution has enabled the Court of Appeal to punish for contempt of any court, tribunal or other institution referred to in paragraph 1 (c) of that Article, **it should not be taken as if, it is the Court of Appeal that should deal with all the situations of committing contempt of court in any of those institutions referred to in paragraph 1 (c) of that Article throughout the whole country.***

*Number of judges designated to those institutions referred to in paragraph 1 (c) of that Article is indeed very much more than the mere twelve judges in the Court of Appeal. **Thus, it is manifestly clear that it would not be practically possible for this Court to deal with all such contempt matters if litigants from all over the country start filing such cases before the Court of Appeal. In these circumstances it is clear that the power given to the Court of Appeal by Article 105 (3) of the constitution is a power which the Court of Appeal may use, when necessary, in circumstances that it thinks warrants the exercise of that power.*** (emphasis added)

In totality of all the above circumstances, it is my considered view that although the Court of Appeal has been vested with the jurisdiction to

hear matters such as this, it should be heard in the Original Court (The Colombo Magistrate Court) since it is the most prudent approach which would ensure practicality. This is in consonance with the decision **Mary Jean Varma.**

Accordingly, this application is dismissed without costs.

Judge of the Court of Appeal

Hon. Rohantha Abeysuriya PC, J.(P/CA)

I agree.

President of the Court of Appeal