

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

**In the matter of an appeal made in
terms of section 331 of the Code of
Criminal Procedure Act No. 15 of 1979
read with Article 138(1) of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.**

The Director General Commission to
Investigate Allegations of Bribery or
Corruption,
No.36, Malalasekara Mawatha,
Colombo 07

Complainant

**Court of Appeal Case No.:
CA HCC 233/2018**

High Court of Colombo
HCB 2146/2016

Vs.

Kaluaddara Arachchige Raja Ajith
Ranjith,
No.17,
Bandaranayake Mawatha,
Asgiriya,
Gampaha

Accused

AND NOW BETWEEN

Kaluaddara Arachchige Raja Ajith
Ranjith,
No.17,

Bandaranayake Mawatha,
Asgiriya,
Gampaha

Accused-Appellant

Vs.

The Director General,
Commission to Investigate Allegations of
Bribery or Corruption,
No.36,
Malalasekara Mawatha,
Colombo 07.

Complainant-Respondent

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

Counsel: Neranjana Jayasinghe with Randunu Heellage and Imangsi
Senerath for the Accused-Appellant.

Ganga Heiyantuduwa, D.D.G. for the Complainant-
Respondent.

Argued on: 29.08.2025

Judgment on: 30.09.2025

JUDGMENT

AMAL RANARAJA, J.

1. The Accused-Appellant (hereinafter referred to as the “Appellant”) has been indicted in the *High Court of Colombo* in High Court case number HCB 2146/2016.
2. The charges in the indictment are as follows;
 - i. That on or about October 12, 2015, in *Colombo*, the appellant, who was the Transport Manager of the Western Province Road Passenger Transport Authority, did commit an offence under section 19(b) of the Bribery Act No.11 of 1954 (as amended), by soliciting a gratification of Rs. 20,000 from one *Don Sunil Keerthi* as an inducement or reward to expedite the granting a passenger transport permit for bus route number 418/1/400.
 - ii. That at the same time and place mentioned in the first charge, the appellant, did commit an offence under section 19(c) of the Bribery Act No.11 of 1954 (as amended), by soliciting a gratification of Rs. 20,000 from one *Don Sunil Keerthi*.
 - iii. That at the same time and place mentioned in the first charge the appellant, by soliciting a gratification of Rs. 10,000 from one *Don Sunil Keerthi* as an inducement or reward to expedite the granting of a passenger transport permit for bus route number 418/1/200, thereby

did commit an offence under section 19(b) of the Bribery Act No.11 of 1954 (as amended).

- iv. That during the course of the same transaction as in the third charge, the appellant did commit an offence under section 19(c) of the Bribery Act (as amended), by soliciting a gratification of Rs. 10,000 from one *Don Sunil Keerthi*.
- v. That on or about October 12, 2015, in *Colombo*, the appellant, who was the Transport Manager of the Western Province Road Passenger Transport Authority, did an offence under section 19(b) of the Bribery Act (as amended) by accepting a gratification of a sum of Rs.1000 from one *Don Sunil Keerthi* to expedite the issuance of a passenger transport permit for bus route number 418/1/400.
- vi. That at the aforementioned time and place, and during the same course of transaction, the appellant accepted a gratification of Rs. 1,000/- from one *Don Sunil Keerthi*, thereby committing an offense under section 19(c) of the Bribery Act No. 11 of 1954 (as amended).
- vii. That on or about October 16, 2015, in *Colombo*, the appellant, who was the *Transport Manager of the Western Province Road Passenger Authority*, accepting a sum of Rs. 9,000/- from one *Don Sunil Keerthi* as a gratification to expedite the issuance of a passenger transport permit for bus route number 418/1/400, thereby did commit an offense under section 19(b) of the Bribery Act No. 11 of 1954 (as amended).

viii. At the aforementioned time, place, and during the same course transaction related to the seventh charge, the appellant accepted a gratification of Rs. 9000/- from one *Don Sunil Keerthi*, thereby did commit an offense under section 19(c) of the Bribery Act No.11 of 1954 (as amended).

3. At the conclusion of the trial, the Learned High Court Judge has convicted the appellant of all the charges and sentenced him as follows;

Imposed a fine of Rs. 5000.00 each in respect of charges 1 to 8 with a term of one-year rigorous imprisonment each in default. Further, the appellant has been sentenced to five years' rigorous imprisonment each in respect of 1st to 8th charges.

The learned High Court Judge has directed that the substantive terms of rigorous imprisonment shall run concurrently. Further, additional fines of Rs. 10,000.00 and Rs. 9,000.00 have been imposed in respect of the 6th and 8th charges with a term of two years rigorous imprisonment each in default.

Case of the prosecution

4. In April 2015, PW01 has purchased a bus bearing registration number WPNA 2181. Following his acquisition, PW01 has sought assistance from a politician known to him to obtain the necessary permit to operate the bus on the *Colombo-Aluthgama* route.

5. The politician has facilitated an introduction between PW01 and PW04, the *Chairman of the Western Province Passenger Transport Authority*. Consequently, PW04 has connected PW01 with the appellant, who was *the Transport Manager* of the authority at that time.
6. On October 12, 2015, PW01 has visited the office of the appellant, to submit his application for the route permit. Upon handing over the application, PW01 has been informed by the appellant that the documents were in order, subject to the production of a further recommendation from the branch office, in *Kaluthara*. However, it is alleged that the appellant initially solicited a sum of Rs.20,000 but later reduced the amount to Rs.10,000 to expedite the processing of PW01's application.
7. Further allegations suggest that the appellant accepted a payment of Rs. 1000 on the same date the application was submitted. The remaining balance of Rs. 9000 was reportedly paid on October 15,2015, when the appellant handed over a temporary permit to PW01.

Case of the Appellant

8. The appellant has asserted that he was setup. Specifically, has maintained that PW01 walked into the appellant's office and placed a sum of money on his table. Shortly, thereafter, the officers from the *Bribery Commission*, arrived and arrested the appellant based on what he claims is a false allegation of solicitation and acceptance of a gratification.

Ground of Appeal

9. When the appeal was taken up for argument, the Counsel for the appellant urged the following ground of appeal;

- i. Evidence of the prosecution witnesses failed the test of credibility and probability.
- ii. The reasons given by the learned High Court Judge in rejecting the defence evidence is unreasonable.

10. As previously mentioned, PW01 has approached a politician known to him to influence the issue of a route permit, concerning the bus owned by the former. The politician has subsequently contacted PW04, the *Chairman of the Authority* at that time, directing him to issue a permit to PW01. Under these circumstances, it is likely that PW01 and PW04 developed an acquaintance.

11. It is also noteworthy that both PW04 and the appellant, the *Transport Manager* of such authority had their offices located in the same building close to one another. On October 12, 2015, both PW04 and the appellant have reported for duty and have been present in their offices when PW01 submitted the application for a route permit to the appellant.

12. If the appellant had solicited and accepted a portion of the money purportedly intended to expedite the processing of PW01's application, it is puzzling that PW01 did not inform PW04 of this matter on the same date. Especially given their acquaintance. It would have been a natural course of an action for PW01 to report the appellant to PW04, considering that the appellant was a

subordinate of PW04 and worked in the same office. Furthermore, since PW04 had specifically directed the appellant to address the matter, it would have been even more pertinent for PW01 to bring the issue to PW04's attention. PW01 has not acted in a manner consistent with what a prudent individual would have done. Furthermore, there is no adequate explanation for this lapse on the part of PW01.

13. When PW01 was questioned about whom he met at the office at the Western Province passenger transport authority on October 12, 2015, he has stated that he has met the appellant. Subsequently, when asked whether he also met PW04 at the same office on that day, PW01 has initially claimed he could not remember, however, he has later revised his testimony, asserting that he had, in fact, met PW04 first at the latter's office on that day.

14. Furthermore, when PW01 was questioned whether he met the appellant on October 14, 2014, he has responded affirmatively. However, on another occasion, he has stated that he visited the regional office of the *Authority* in *Kaluthara* to get the relevant documents approved, which he then forwarded to the appellant on October 15, 2015. This contradiction has not been addressed by PW01.

15. Regarding the introduction of PW02 to the appellant PW01 has testified that he was responsible for introducing PW02 to the appellant during the very first encounter with the appellant in his office on October 15, 2015. However, PW02 contradicts this account. She has stated that her introduction to the appellant occurred at a subsequent encounter with the appellant, just prior to the transaction in which the appellant allegedly received a sum of Rs. 9000 from PW01.

- ප්‍ර: කාන්තාවක් තමයි මෙම පැමිණිලිකරුත් සමඟ ගියේ ?
- උ: එහෙමයි ස්වාමිණි.
- ප්‍ර: තමුන් සම්බන්ධයෙන් විමසීමක් කලාද ඒ අවස්ථාවේ වූදිත් ?
- උ: එහෙමයි ස්වාමිණි. ඒ වෙලාවේ තමයි විමසීමක් කලේ.
- ප්‍ර: මොකක්ද ඇහැව්වේ ?
- උ: මෙයා කවුද කියලා ඇහැව්වා මාව පෙන්නලා.
- ප්‍ර: කවුරු කියලද කිව්වේ ?
- උ: නංගි. එයාට බෙහෙත් ගන්න ආවේ කියලා කිව්වා.
- ප්‍ර: ඊට පස්සේ මොකක්ද සාක්ෂිකාරිය සිද්ධ උනේ ?
- උ: ඒ අවස්ථාවේ විත්තිකාර රංජිත් මහතා කිව්වා කෝ අර ඉතුරුගාන දෙන්න කියලා ඉල්ලුවා ස්වාමිණි සල්ලි.
- ප්‍ර: ඉතුරුගාන දෙන්න කියලා කිව්වාම පැමිණිලිකරු මොකක්ද ඔහු සඳහන් කලේ ?
- උ: ඔහු කිව්වා රු.1000/-ක් දුන්නානේ 9000/-ක් හොයා ගත්තේ හරි අමාරුවෙන් ගාන අඩු කරන්න බැරිද කියලා ඇහැව්වා.
- ප්‍ර: විත්තිකරු එකඟවීමක් සිදු උනාද ?
- උ: කෝ ඒක දෙන්න කියලා කිව්වා.
- ප්‍ර: මොකක්ද සිද්ධ උනේ ඒ අවස්ථාවේ ?
- උ: ඒ අවස්ථාවේ පැමිණිලිකරු මගේ පැත්ත හැරිලා මුදල් ඉල්ලා සිටියා. මම ඒ වෙලාවේ මගේ අත් බැගයෙන් දමා තිබු වැටලීම් මුදල පැමිණිලිකරුට දුන්නා. පැමිණිලිකරු එම මුදල ගණන් කරලා රංජිත් මහතාට දුන්නා.
- ප්‍ර: කොපමණ මුදලක් පැමිණිලිකරුට ලබා දුන්නාද ?
- උ: රු.9000/-ක මුදලක්.

[vide pages 241 and 242 of the Appeal Brief]

16. PW01 has recounted the reaction of the appellant when he expressed the difficulty in parting with a sum of Rs. 9000. PW01 has stated that the appellant initially took the documents from him and placed them in a drawer. Subsequently, has stated that the documents were placed on the table first and thereafter moved the documents from the table into a drawer. PW02 has contradicted PW01 by testifying that the appellant after receiving the documents, handed them back to PW01.

- ප්‍ර: අරන් මෙසේ උඩට වීසි කලාද ?
- උ: නැහැ ස්වාමිණි.
- ප්‍ර: අරන් එයාගේ ලාවිවුවට දා ගත්තාද ?
- උ: නැහැ ස්වාමිණි.
- ප්‍ර: ලේඛණ ටික ආපසු දුන්නද පැමිණිලිකරුට ?
- උ: පැමිණිලිකරුට දුන්නා ස්වාමිණි.
- ප්‍ර: ඒ ලේඛණ ටික ඔක්කෝම ආපසු දුන්නා විත්තිකරු පැමිණිලිකරුට ?
- උ: එහෙමයි ස්වාමිණි.
- ප්‍ර: ලේඛණ ටික පැමිණිලිකරු ගත්තාද ?
- උ: එහෙමයි ස්වාමිණි.
- ප්‍ර: පැමිණිලිකාරයාගේ අතට ලේඛණ ටික සියල්ලම විත්තිකරු ආපසු පැමිණිලිකරු අතට දුන්නා කියලා ?
- උ: පැමිණිලිකරු අරන් ගිය ලේඛණ විත්තිකරුට දුන්නා. විත්තිකරුට දුන්නද කියලා ඒ සම්බන්ධයෙන් මට හරි මතකයක් නැහැ ස්වාමිණි.
- ප්‍ර: පැමිණිලිකරුගේ ලේඛණ ටික විත්තිකරුට දුන්නා, විත්තිකරු එම ලේඛණ ආපසු පැමිණිලිකරුට දුන්නා ?
- උ: විත්තිකරු පරීක්ෂා කරලත් බැලුවා.

[vide page 255 of the Appeal Brief]

17. It has been alleged that the appellant received a sum of Rs. 9000 using his right hand and subsequently placed it into the pocket of his left trouser leg. This incident raises doubts about its plausibility.
18. The positioning of the money in a left side trouser pocket adds a layer of improbability. Generally, individuals tend to use their dominant hand to facilitate transaction and placing cash into the opposite pocket could indicate lack of natural coordination or awareness. Such action appears unusual and lacked the discretion that the circumstances in the instance demanded. Further, the choice to act in such a manner in such a situation is puzzling as it stands in stark contrast to the expectations set by the context.
19. The discrepancies in the prosecution's narrative raise significant concerns about the validity of their case. It is essential to recognise that the prosecution has failed to present cogent and reliable evidence that substantiates its claims. Key testimonies lack coherence, with witnesses providing improbable and conflicting accounts. Such inconsistencies not only weaken the prosecution's case but also cast doubt on the reliability of their sources.
20. Matters discussed being as such, it is the view of this Court, that a necessity would not arise to consider the second ground of appeal urged by the appellant.

21. Due to the foregoing reasons, I am inclined to interfere with the conviction and the disputed judgment together with the sentencing order and set aside the same accordingly.

Appeal allowed.

22. I make no order regarding costs, the Registrar of this Court is directed to send this judgment to the *High Court of Colombo* for compliance.

Judge of the Court of Appeal

B. SASI MAHENDRAN, J.

I agree.

Judge of the Court of Appeal