

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

**In the matter of an Appeal against an
order of the High Court under Section
331 of the Code of Criminal Procedure
Act No. 15 of 1979.**

The Democratic Socialist Republic of Sri
Lanka

Complainant

**Court of Appeal Case No:
CA/HCC 0086/2025**

High Court of Anuradhapura
Case No. HC 53/2021

Vs,

Kuruppu Appuhamilage Anuradha
Hemanthi Wijerathne

Accused

And Now Between

Kuruppu Appuhamilage Anuradha
Hemanthi Wijerathne

Accused-Appellant

Vs,

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

Complainant-Respondent

Before: **Amal Ranaraja, J.**
 Dr. Sumudu Premachandra, J.

Counsel: Chathura Weeramantry, Thilini Atapattu, Pradeepa
 Kaluarachchi, Hansani Pathirana, Sanuri Dissanayaka with
 U.R. De Silva, PC for the Accused-Appellant

Anoopa De. Silva, D.S.G. for the State.

Argued on: 07.07.2026

Order on: 31.08.2026

Judgment

Amal Ranaraja. J.,

1. The accused-appellant (hereinafter referred to as the appellant) has been indicted in the High Court of *Anuradhapura* in Case No. HC 53/2021. The charges in the indictment are as follows;

01. On or around 30th of December, 2018, within the jurisdiction of this Court, in *Hatharaswala*, you have committed an offence

under Section 54A (d) of the Poisons, Opium and Dangerous Drugs (Amendment) Ordinance No.13 of 1984, by having in your possession, a quantity of Diacetyl Morphine, or heroin, exceeding the quantity specified in Column II of Part III, of the Third Schedule of such Ordinance, particularly, 25.094 grams, in a manner other than as permitted by the provisions of Chapter V of the Ordinance, and therefore, is punishable by the penalty specified in the corresponding column iii of that part.

02. In the same time, place and course of action of the above first charge, you have committed an offence under Section 54A (b) of the Poisons, Opium and Dangerous Drugs (Amendment) Ordinance No.13 of 1984, by trafficking a quantity of Diacetyl Morphine, or heroin, exceeding the quantity specified in Column II of Part III, of the Third Schedule of such Ordinance, particularly, 25.094 grams, in a manner other than as permitted by the provisions of Chapter V of the Ordinance, and therefore, is punishable by the penalty specified in the corresponding column iii of that part.

2. Upon the appellant pleading not guilty to the charges, the matter has been taken up for trial. At the conclusion of the trial the learned High Court Judge has convicted the appellant of the charges and sentenced her to life imprisonment consecutively. The appellant being aggrieved by the conviction, disputed judgement and the sentencing order has preferred the instant appeal to this Court.

Case of the Prosecution

3. PW01 Sub-Inspector of Police, *Gallage* has been the Officer in charge of a police unit, specifically established to conduct raids under the directions of the Deputy Inspector General of Police for Sri Lanka's North Central Province. This unit has operated from the *Anuradhapura* police station.

4. On 30th December 2018, PW04, (Police Constable 48317, *Bandara*) has received a tip off from an informant that a woman was expected to engage in narcotics peddling at the location named "*Jaffna Junction*" in *Anuradhapura*. After PW04 had conveyed this information to PW01, PW01 following protocol, has decided to conduct a raid with the aim of arresting the suspected individual.
5. A team consisting of PW01, PW02, PW04 and other officers have set off at 5.45 hours to reach Jaffna Junction at about 6.00 hours. Although the team had arrived at the location, the raid has not been successful.
6. Thereafter, the team of officers have proceeded towards *Rabawe*. On the way, near a railway crossing, PW04 has seen the appellant riding a scooter and joining the same route from a side road, travelling in the direction in which the team of officers were heading. PW04 has informed PW01 of his observation as described. PW01 has then proceeded to detain the appellant and has directed PW02 to conduct a search.
7. PW02 has proceeded to search the appellant. During the search PW02 has retrieved a black plastic bag from the appellant's trouser pocket. PW02 has then handed the bag to PW01 for inspection. Upon examining it, PW01 has found several small packets inside the black plastic bag. The packets have contained a narcotic substance. Based on his observation and experience, PW01 has identified the substance as heroin and proceeded to arrest the appellant.
8. Thereafter, the substance identified by PW01 as heroin has been weighed and sealed, as stated in PW01's testimony. The sealed envelopes have been entered into the Police Production Register and kept in safe custody until they were taken to the Government Analyst for examination. The report prepared by the Government Analyst

following the analysis of the forwarded items has been produced in evidence and marked 23.

Case of the Appellant

9. The appellant has maintained that she was falsely implicated in relation to the incident set out in the charges.

Grounds of Appeal

10. When the matter was taken up for argument, the learned President's Counsel appearing on behalf of the appellant urged the following grounds of appeal;
 - I. The learned High Court Judge has only narrated the testimony but not evaluated the same.
 - II. The learned High Court Judge has not considered the inconsistencies and the improbabilities of the testimony.
 - III. Defence evidence has been rejected on a presumption and not on a detailed analysis.
11. PW01 in his testimony has stated he, along with other officers, travelled in a vehicle bearing Registration Number 61-5373. He has further testified that they circled the town area before proceeding to the Jaffna Junction arriving there at 6.30 hours. However, the out note from PW01 indicated that he, together with the team of officers, travelled in a vehicle with Registration Number WPHD 9814. Additionally, PW02 and PW04 have denied circulating the town prior to their arrival at the Jaffna junction.

12. Regarding the original suspect's anticipated arrival time, PW01 has stated that the information he received suggested the female suspect would arrive at the Jaffna Junction between 6.00 and 6.30 hours. Conversely, PW04 has testified that during the briefing, the team was informed the suspect would arrive at location between 6.00 and 8.00 hours. Despite PW01's expectation of the suspect's arrival between 6 and 6.30 hours, PW01 and the other officers have reportedly arrived at the location, i.e. Jaffna Junction at 6.30 hours, suggesting a late arrival relative to the earlier part of the expected window. The appellant contends that these described discrepancies are material, and indicate both perse and interse inconsistencies, which the learned High Court Judge has not addressed.
13. The choice of vehicle is often a reflection of the logistical planning and resource allocation. For instance, if an officer/team claims a vehicle with a particular Registration Number was used by him/them, yet if the evidence suggests a different vehicle has been used, questions of credibility immediately surface.
14. The implications of vehicle choice extend beyond mere travel preferences. They can suggest varying levels of preparedness and professionalism. If the vehicle purportedly used is inadequate for team size or journey planned, the foundational integrity of the team's reporting comes into question.
15. Equally significant is the route taken to arrive at the designated location. Disparities between the actual routes can be revealing. Claims of a direct route maybe undermined by evidence showing unnecessary detours or deviations that indicate a lack of planning or mismanagement, contrary to claims by a particular witness.
16. PW01 has also testified that PW04 referred to the appellant as "Miya's wife" before her arrest. A fact corroborated by PW04. However, during cross-examination PW01 has admitted that this detail was not included in his detailed notes regarding the raid.

17. Additionally, PW01 has stated that he took possession of a helmet from the appellant at the time of arrest and handed it to the police station's reserve officer. PW08 the reserve officer has disputed PW01's claim.

“ප්‍ර: 4210/18 අනුව ඔබ භාර ගත් භාණ්ඩ මොනවාද?”

උ: එන්.සී.බී.පී.ඔ 6663 යතුරු පැදිය භාර ගත්තා, ස්ටීට්ට් යතුර භාර ගත්තා.

ප්‍ර: තව මොනවා හරි භාරගෙන තියෙනවාද?

උ: නැහැ ස්වාමීනි.”

Vide Pag 203 of the Brief

18. In the realm of law enforcement, the accuracy and completeness of detailed notes made by participating officers of a raid are crucial not only for maintaining a record of events, but also for ensuring the integrity of the judicial process. Situations arise wherein certain particulars regarding the execution of a raid are omitted from the detailed notes.

19. Additionally, cases may emerge where items purportedly seized and taken into custody are not subsequently handed over to police reserves. Such discrepancies, while seemingly minor in the grand scheme of law enforcement, can fundamentally impact the test of probability when evaluating the reliability of evidence presented in court. Any omissions in the notes can lead to questions regarding the legitimacy of the actions taken and the evidence collected.

20. For instance, if an officer fails to note the presence of specific individuals during the operations, the credibility of witness testimonies maybe undermined. Similarly, unrecorded observations or actions create reasonable doubt regarding the actual conduct of a raid leading to potential challenges in court.

21. Moreover, the failure to hand over certain items purportedly seized during the raid to the reserve of a police station raises significant concerns. The chain of custody is paramount in maintaining the integrity of the evidence. When items are not formally documented and transferred to the appropriate evidence handling units, they become subject to questions regarding their origin, handling, and authenticity.
22. The absence of a clear and verifiable chain of custody can lead to assertions that evidence may have been tampered with or mishandled, thereby diminishing its probative value in judicial proceedings. When detailed notes are incomplete or when there are discrepancies in the handling of the seized items, the probability that the evidence accurately represents the events as they transpired diminishes.
23. Evidence serves as the foundation upon which claims are built and conclusions are drawn. Therefore, the integrity of evidence is essential for any outcome to be deemed credible. To uphold its integrity, it is crucial to use the same criteria, be it relevance, validity, reliability, or sufficiency, when examining the evidence presented by any party. If different standards are applied, the risk of bias and partiality escalates, rendering the evaluation process inequitable. By applying the same rigorous standards to both parties, the justice system functions effectively ensuring that verdicts are based on balanced assessment of facts.
24. Unfortunately, the learned High Court Judge has disregarded the matters discussed above when evaluating the evidence presented on behalf of the appellant.
25. In those circumstances, I am inclined to interfere with the conviction, disputed judgement, and sentencing order, and proceed to set aside the same.

26. I acquit the appellant of the charges but make no order regarding costs

Appeal allowed.

27. Registrar of this Court is directed to send this Judgement to the High Court in *Anuradhapura* for compliance.

Judge of the Court of Appeal

Dr. Sumudu Premachandra, J.

I agree

Judge of the Court of Appeal