

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

*In the matter of an application under Article
140 of the Constitution for mandates in the
nature of writs of Certiorari and
Prohibition.*

D.M.R.K. Dissanayake
48, Wimalawatte Road,
Mirihana, Nugegoda.

**CA WRIT APPLICATION
NO: 313 / 2025**

PETITIONER

Vs.

1. Central Bank of Sri Lanka
2. Mrs. R.M.C.H. K. Jayasinghe
Director, Department of Supervision of Non-
Bank Financial Institutions
3. Mrs. D.S.W. Samaratunga
Assistant Governor and Secretary to the
Governing Board,
Central Bank of Sri Lanka
4. Dr. Nandalal Weerasinghe
Chairman
5. Nihal Fonseka
Member

6. Dr. Ravi Rathnakayake
Member

7. Anushka Wijesinha
Member

8. Vish Govindasamy
Member

9. Rajeeva Amarasuriya
Member

10. Manil Jayesinghe
Member

1st to 10th Respondents all of
Central Bank of Sri Lanka,
Colombo 1.

11. Assetline Finance Limited
120, 120A Pannipitiya Road,
Battaramulla.

RESPONDENTS

Before : **Hon. Rohantha Abeyesuriya PC, J.(P/CA)**
: **Hon. K. Priyantha Fernando, J. (CA)**

Counsel : Dr. Romesh De Silva, PC, with Niran Anketell, AAL
for the Petitioner instructed by Sanath Wijewardena.

Avanthi Weerakoon, SC for the 1st to 10th
Respondents.

Mohamed Adamaly, PC, with Sindhu Ratnarajan,
AAL instructed by Shanya Wickramarathna, AAL
for the 11th Respondents.

Written Submissions on : 22.06.2026 for the 11th Respondent
22.06.2026 for the Petitioner
26.06.2026 for the 1st to 10th Respondents

Decided on : 30.09.2026

K. Priyantha Fernando, J. (CA)

1. The Petitioner filed this application on 01.04.2025 praying primarily for Writs of *Certiorari* to quash the documents P10, P14 and P16 and a Writ of Prohibition prohibiting the 1st to 10th Respondents from acting on the basis of documents P10, P14 and P16.

BACKGROUND:

2. The Petitioner, D.M.R.K. Dissanayake, serving as Group Chairman and Managing Director of David Peiris Holdings (Private) Limited, also served as a Non-Independent Non-Executive Chairman of the 11th Respondent, Assetline Finance Limited (hereinafter sometimes referred to as “AFL”) which is a Licensed Finance Company, under the supervision of the 1st Respondent, the Central Bank of Sri Lanka (hereinafter sometimes referred to as the “CBSL”). As per the documents marked P13(a) and (b) the Petitioner submitted his resignation from the post he held in AFL. The Petitioner submitted an Affidavit (document marked P6) for the annual assessment of Fitness and

Propriety for appointment as a Non-Independent Non-Executive Director of Assetline Finance Limited on 14.06.2023.

3. In the said Affidavit, he has not disclosed that while he was serving as a Non-Executive Director of DP Global Ventures (Pvt) Ltd., he was charged and convicted under Sections 2(1) read together with section 18(1) of the Food Act and Food Preservative Regulations of 2019 based on his plea of guilt for the offences in Kaduwela Magistrate Court Case bearing Nos. 53612/22 and 53613/22; the adulteration of turmeric powder with excess starch and the sale of a Rasam containing an unapproved preservative. The conviction was imposed on 08.05.2023 in MC Case 53612/22 and on 13.02.2023 in MC Case 53613/22.
4. Since, this was not disclosed to the 2nd Respondent (Director, Department of Non-Bank Financial Institutions), the said Respondent approved the Petitioner's appointment as Non-Independent Non-Executive Director on 14.08.2023 (vide P7).
5. Later, this fact of non-disclosure was detected through a Statutory examination as at 30.11.2023 conducted by the examiners deployed by the 2nd Respondent during the month of January 2024. The position of the Petitioner and the 11th Respondent have been that the above fact was not disclosed to the Central Bank as at 30.11.2023 as it was uncertain whether the conviction was required to be informed to the Central Bank due to the indirect nature of the liability.
6. The 1st - 10th Respondents state that the aforesaid ground does not constitute a valid ground for non-disclosure and the fact of conviction ought to have been disclosed at the outset or before the annual re-assessment of the fitness and propriety of the Petitioner as Non-Executive Director of AFL was conducted. Thereafter, having considered the nature of the offence and conviction and after having sought legal advice, the 1st -10th Respondents informed the 11th Respondent that the Respondents are compelled to decline the continuation of the Petitioner's directorship at AFL in terms of Section 21(1)(f) of the Finance Business Act (FBA).

POSITION OF THE PETITIONER:

7. The Petitioner stated that the impugned decisions by the Central Bank concern his directorship in the 11th Respondent, a regulated finance company within the David Pieris Group. It was contended that the impugned decisions, contained in documents P10, P14, and P16, are bad in law. The Petitioner stated that P10, dated 13.09.2024, informed the 11th Respondent that he could not continue as a director pursuant to Section 21(1)(f)(ii) of the Finance Business Act, No. 42 of 2011. It was noted that this section disqualifies individuals convicted of an offense involving fraud, deceit, dishonesty, or similar criminal activity within the preceding fifteen years. The Petitioner argued that following an appeal, the Central Bank issued P14, stating that the Governing Board, relying on the Attorney General's opinion, maintained the disqualification and asserted it lacked the authority to hear an appeal from a legally disqualified person. The Petitioner submitted that P16 subsequently confirmed there was no reason to deviate from this decision.
8. The Petitioner argued that the Central Bank's conclusion that his convictions were "tantamount to a fraud" is wholly misconceived, unreasonable, and unsupported by the record. The Petitioner explained that the two convictions in the Magistrate's Court of Kaduwela related to the alleged sale of adulterated food by DP Global Ventures (Private) Limited, where one charge involved a Rasam mix made by an unconnected third party and the other involved turmeric powder containing excess starch.
9. The Petitioner contended that he was made a party to these criminal proceedings strictly on the basis of deemed liability under Section 27 of the Food Act, No. 26 of 1980, owing to his position as a director at the relevant time. It was argued that Section 22(2) of the Food Act expressly removes the mental element or lack of knowledge as a defense, thereby rendering them strict liability offenses. Therefore, the Petitioner submitted that he was not found guilty of any act of moral turpitude, financial impropriety, or personal culpability, and thus his convictions fall entirely outside the scope of Section 21(1)(f)(ii) of the Finance Business Act.

10. The Petitioner further contended that the Central Bank acted *ultra vires* and irrationally by failing to examine the charge sheets and the statutory basis of the strict liability offenses. The phrase "other similar criminal activity" in the Finance Business Act must take its color from the preceding words of fraud, deceit, and dishonesty, reflecting a legislative intent to exclude those with moral culpability regarding financial matters.
11. In response to the Respondents' allegations of wrongful suppression, he contended that he acted candidly and *bona fide* at all material times. The Petitioner stated that he disclosed his plea of guilt to the 11th Respondent's Board on 15.02.2023, and the 11th Respondent formally notified the Central Bank by letter on 08.03.2023. It was argued that his statutory declaration did not require him to disclose the Food Act convictions because they did not involve financial mismanagement or moral turpitude, and he further submitted that this declaration was made upon reputable legal advice; thus, that the allegation of suppression is legally irrelevant and a "red herring," as the impugned decisions were strictly based on the statutory disqualification related to the conviction itself, not on any purported non-disclosure.
12. Finally, the Petitioner argued that the actions of the CBSL were procedurally improper as the Petitioner was denied an oral hearing and an inquiry, thus depriving him of the opportunity to explain to the Governing Board the strict liability nature of the offenses under Sections 22(2) and 27 of the Food Act. The Petitioner contended that these allegedly unlawful decisions have caused him grave prejudice, unjustly prevented him from serving on the Board of the 11th Respondent and severely undermined his corporate reputation despite the absence of fraud or dishonesty on his part.

POSITION OF THE 1ST TO 10TH RESPONDENTS:

13. The Respondents argued that the Petitioner's application is fundamentally misconceived in law and ought to be dismissed *in limine*. It was submitted that the challenged documents were not discretionary administrative decisions, and therefore not amenable to judicial review, but rather that they were a statutory disqualification

that took effect by upon the Petitioner's conviction of the said offences. It was further submitted that the Petitioner is guilty of *laches* due to an inordinate and unexplained delay in instituting the proceedings. The Petitioner, who was aware of his convictions in 2023 waited two years to file the instant application on 01.04.2025.

14. Additionally, the Respondents argued that the Petitioner suppressed and misrepresented material facts, and thereby failed to approach this Court with clean hands. They contended that the Petitioner *mala fide* represented his conviction as a fine, deliberately concealing from the Court that his conviction under Section 18(1)(a) of the Food Act carried a mandatory term of imprisonment. The Petitioner failed to disclose that he had explicit statutory defenses available to him under Sections 22(1)(a) and 22(1)(b) of the Food Act, yet he consciously elected to forego these defenses and plead guilty.
15. The Respondents contended that the Petitioner's disqualification under Section 21(1)(f)(ii) of the Finance Business Act was lawful and necessary. The offenses of food adulteration inherently involved fraud, deceit, and dishonesty. It was contended that these were deliberate, commercially motivated acts designed to mislead consumers and regulatory authorities regarding product quality for wrongful financial gain, thereby satisfying the definitions of cheating and dishonesty under the Penal Code. It was stated that allowing adulterated food to be sold to the public constitutes conduct contrary to accepted moral standards, amounting to moral turpitude under Section 21(1)(b) of the Act.
16. Finally, the Respondents argued that the instant writ application constitutes an indirect 'appeal' on the Petitioner's criminal convictions. The Respondents contended that the Petitioner, having voluntarily pleaded guilty and having chosen not to appeal or seek revision in the High Court, cannot now utilize the writ court to retroactively challenge his convictions or evade its consequences.

POSITION OF THE 11TH RESPONDENT:

17. The 11th Respondent contended that the Petitioner cannot be accused of deceit or dishonesty as he completely lacked the intention to cause wrongful gain or wrongful loss to another, having been entirely unaware of the offense. Instead, the Respondent argued that to determine the meaning of "other similar criminal activity" in Section 21(1)(f)(ii) of the Finance Business Act, one must apply the principle of statutory interpretation, the *ejusdem generis* rule and relied on the judgment delivered in the case of Wijeratne v Amarasena CA/WRT/230/2020 decided on 30.04.2025, in support of the same.
18. The Respondent further relied upon the case of Weerasuriya v Gunathileke CA/CPA/0069/2025 decided on 18.05.2026, which in turn referenced the decision in Seylan Bank PLC v. Christobel Daniels CA/PHC/APN/58/2014 decided on 14.12.2016, in support the contention that "other similar criminal activity" must be defined in the context of fraud, deceit, and dishonesty, and so require that the offences are limited to those where an intention to deceive or cause wrongful gain is present.
19. Furthermore, the Respondent argued that the legal maxim *noscitur a sociis* must be applied in this instance, and contended that the phrase "other similar criminal activity" must take its meaning and color from the preceding words of fraud and dishonesty. In support of the same, the Respondent relied on the decisions of the Supreme Court, De Silva and Others v Suwaris SC/FR/119/2015, 120/2015, 121/2015 and 122/2015 decided on 21.05.2025 and Lanka Multi Moulds v Wimalasena [2003] 1 Sri L. R. 143.
20. Consequently, the Respondent stated that the Petitioner's convictions under the Food Act, as stipulated in charge sheets P3(a) and P3(b), cannot be construed as falling within the scope of Section 21(1)(f)(ii) of the Finance Business Act. The 11th Respondent stated that the mischief sought to be prevented by the Finance Business Act is financial cheating and fraud, in order to safeguard the public from individuals capable of such

behavior. Pointing to the fitness and propriety criteria in the Finance Business Act Directions No. 06 of 2021, the Respondent contended that there is no correlation indicating that a person charged with a minor Food Act offense possesses the capability for financial fraud that would warrant prohibition from a financial company's board.

21. Finally, the Respondent contended that the 1st Respondent failed to invoke Section 21(1)(f)(i) of the Finance Business Act when the prosecution against the Petitioner was initially instituted. The Respondent pointed out that Section 21(1)(f) operates under two limbs: disqualifying a person who is currently subject to court proceedings; and disqualifying a person who has been convicted. The 11th Respondent contended that the 1st to 10th Respondents expressly admitted in their Objections dated 23.02.2026 that they were aware of the ongoing criminal proceedings under the Food Act. Despite possessing full knowledge of these ongoing court proceedings, the Respondent contended that the 1st Respondent consciously did not take any steps to disqualify the Petitioner under Section 21(1)(f)(i) of the Act at that time.

DISCUSSION ON FACTS AND SUBMISSIONS:

22. First, in consideration of the relevant provisions of the Food Act, No. 26 of 1980, Section 27 of the Act requires all Directors to be named as the accused if the offence concerns a body corporate and reads as follows:

“27. Where an offence under this Act or any regulation made thereunder is committed by a body of persons then-

(a) If that body of persons is a body corporate, every person who at the time of commission of the offence was a director, General Manager, secretary or other similar officer of that body, or

(b) If that body is not a body corporate, every person who at the time commission of the offence was a member of that body,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or concurrence and he exercised all such diligence to prevent the commission of that offence as he ought to have exercised in the circumstances having regard to the nature of his functions”. (the emphasis was added)

23. It was the Petitioner’s contention that notwithstanding that the Petitioner could have negated *animus*, the nature of the offence is such that under Section 22(2) imposes strict liability which the Petitioner being a Director despite any evaluation of his knowledge or participation became automatically charged with. Section 22(2) of the Food Act reads as follows:

*“22. (2) In prosecution for the offence of sale of food which is adulterated or contrary to the provisions of this Act or any regulations made thereunder, **it shall not be a defence for the accused that he did not know that such food was adulterated or that the sale was contrary to the provisions of this Act or any regulations made thereunder or that the purchaser purchased such food for analysis and was not prejudiced by the sale.**”*

24. The lack of knowledge is not a defence for an accused when charged on individual basis and it does not relate to an instance where a “body corporate” is involved. However, as per Section 27, when an offence is committed by a body corporate, a director can only be saved or acquitted if **he proves that the offence was committed without his consent or concurrence and he exercised all such diligence to prevent the commission of that offence as he ought to have exercised.**

25. It was submitted by the 11th Respondent that to the best of their knowledge; the food allegedly adulterated and referred to in the Charge Sheets **were not manufactured by DP Global Ventures (Private) Limited but was manufactured by a third party and only offered for sale through DP Global Ventures (Private) Limited;** the Petitioner being of a non-executive position (i.e. not a paid full-time employee) **was unaware of**

any adulteration of the Rasam Mix (i.e. spice paste) or that the percentage of starch in the turmeric powder exceeded that of the requirements under the Food Regulations, and **was not involved in the manufacture or distribution of the same**; and the Petitioner being unaware of the violation is not a defence, as the Petitioner would have in any event been found guilty and hence was advised to pay the nominal fine and conclude the matter.

26. All the above factors could have and should have been proved by leading evidence before the Magistrate Court without pleading guilty for the Charges. Without taking the necessary steps to do so, the Petitioner now seeks to argue that he was not personally culpable and had no knowledge of the adulteration. The Petitioner, voluntarily pleaded guilty before the learned Magistrate. The plea was accepted and a conviction was duly recorded. It is misconceived in law to state that since section 22(2) imposes strict liability, the Petitioner being a Director of the Company pleaded guilty despite any evaluation of his knowledge.

27. The following facts were admitted by the Petitioner in the Petition:

- (a) He was charged with offences under the Food Act - paragraph 5.
- (b) He was advised and mindful of Section 22(2) which states that ignorance is not a defence to the relevant offence - paragraph 7.
- (c) He pleaded guilty - paragraph 6.
- (d) He paid the fines imposed - paragraph 8.

28. Accordingly, the Petitioner has chosen not to avail himself the defences available to him under the section 22(1)(a) and 22(1)(b) of the Food Act and he never appealed the conviction as he had paid the fines imposed. For the above reasons, the contention of the Petitioner that the Food Act imposes strict liability, **limiting any defences available** to the Petitioner is misconceived and untenable in light of the proviso in Section 27 which states that “**unless he proves that the offence was committed without his consent or concurrence**”. Thus, I reject the said argument.

WHETHER THE OFFENCES UNDER THE FOOD ACT ARE OFFENCES INVOLVING ACTS OF ‘FRAUD’?

29. It was contended by the learned President’s Counsel for the Petitioner that; nowhere in the Charges framed or in the offences that he was charged with, is there any reference to fraud, deceit or dishonesty; as plainly visible in the relevant provisions of the Food Act and the Charge Sheet, the charges dealt with the respective food items merely containing some preservatives that were not in the prescribed list of additives for such products; charges under the Food Act cannot be construed as connoting any ‘fraud’ or ‘fraudulent conduct’.

30. Section 23 of the Penal Code defines fraud as “*a person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise*”. Moreover, section 21(1)(f)(ii) of the Finance Business Act does not confine its operation solely to offences of fraud. The legislature has deliberately employed broader language by extending the disqualification to any person convicted of an offence involving “fraud, deceit, dishonesty or other similar criminal activity”. In the case bearing No. 53613/22, the offences for which the Petitioner was convicted of under the Food Act relate to the manufacture and distribution of adulterated food. The very concept of food adulteration involves the representation of a product as genuine, wholesome and compliant with statutory standards when in fact, it is not. Such conduct necessarily deceives consumers, regulatory authorities and the public as to the true nature, composition, quality or safety of the product being offered for sale.

31. Section 398 of the Penal Code defined “cheating” as follows”:

“Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induce the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm

to that person in body, mind, reputation, or property or damage or loss to the Government, is said to “cheat”

32. Accordingly, whereby a person, through deception, induces another to believe something that is false, thereby causing or rendering it likely for damage or harm to be caused amounts to “cheating”. The essential ingredient of cheating is deception. Likewise, the ordinary and legal meaning of “deceit” encompasses conduct to mislead another by concealment, misrepresentation, or the presentation of a false appearance of fact.
33. In the case of food adulteration, the consumer purchases and consumes the product on the belief that it conforms to the standards prescribed by law and is fit for human consumption. The adulteration of such product creates a false impression regarding its safety and quality and thereby deceives the consumer. The offence is therefore, not merely a technical or regulatory violation, but one involving deception and dishonesty directed at the public.
34. Moreover, it was submitted by the 1st - 10th Respondents that in the case No. 53612/22, where the issue was in relation to the displaying for sale “Rasam Mix” containing benzoic acid, Section 18(1) (a) of the Food Act prescribes enhanced punishment where the offence involves injury to public health. The same demonstrates the gravity with which the legislature regards such conduct. The statutory objective is the protection of consumers from deceptive and harmful food practices. Consequently, convictions arising from the adulteration of food and displaying food for sale which contains unpermitted preservatives fall within the ambit of offences involving fraud, deceit, dishonesty, or other similar criminal activity contemplated by Section 21(1)(f)(ii) of the Finance Business Act.
35. The term “dishonesty” is defined in Section 22 of the Penal Code as doing anything with the intention of causing wrongful gain to one person or wrongful loss to another.

Section 21(1) of the Penal Code further defines wrongful gain as gain by unlawful means of property to which the person gaining is not legally entitled.

36. The Petitioner's conduct, as alleged, reflects deliberate and commercially motivated food adulteration rather than accidental non-compliance. In case No. 53613/22, the Petitioner has been convicted for manufacturing and distributing substandard turmeric powder by adding 20% starch. It was submitted by the 1st -10th Respondents that this was an intentional practice aimed at reducing production costs, enabling the sale of inferior goods as genuine products for financial gain while misleading consumers. Moreover, In the case bearing No. 53612/22, the Petitioner was convicted for displaying for sale "Rasam Mix" containing benzoic acid, a preservative not permitted in spice pastes, and it was submitted that this was aimed at extending shelf life.

37. The allegations and convictions indicate wrongful gain to the manufacturer/seller and corresponding loss to the consumers through misrepresentation of product quality, thereby satisfying the element of "dishonesty" under the Penal Code. It was contended that at no point whatsoever did the Petitioner deliberately "cause someone to believe that something [was] true", particularly considering that he himself did not know it to be false. However, the Petitioner could have relied on the statutory defences under Section 22(1)(a) and (b), including purchase under warranty or inability to detect the breach despite reasonable diligence. However, without availing himself of these defences, he has pleaded guilty.

38. Section 21(1)(f)(ii) of the Finance Business Act provides that a person shall be disqualified from being appointed or elected or from holding the post of Director of a Finance Company if such person has been convicted by **any court for an offence involving an act of fraud, deceit, dishonesty or other similar criminal activity** at any time during the period of fifteen years immediately prior to being so appointed or elected. The term "involving" an act of fraud ... is concerned, as product adulteration is fundamentally a theft of product integrity (padding volume with starch for financial

gain), it amounts to an offence that “involves” fraud, deceit, dishonesty towards the purchasing public.

39. For the foregoing reasons, I hold that the offences under the Food Act which the Petitioner has been convicted are offences involving fraud. Whether such conviction tantamount to fraud under the Finance Business Act has to be considered separately.

IS THE CONDUCT OF THE PETITIONER COVERED AS AN ACT OF “FRAUD” UNDER THE FINANCE BUSINESS ACT?

40. Base on the letter dated 13.09.2024 (P10) sent by the 1st Respondent, the Petitioner was found to be disqualified from being a Director under Section 21(1)(f)(i) of the Finance Business Act. Section 21(1)(f)(i) reads as follows:

“21. (1) A person shall be disqualified from being appointed or elected, as the case may be, as a director, chief executive officer, secretary or key management personnel of a finance company or from holding such post if such person-

(f) (i) is being subject to court proceedings for an offence involving an act of fraud, deceit, dishonesty or other similar criminal activity;

(ii) has been convicted by any court for an offence involving an act of fraud, deceit, dishonesty or other similar criminal activity at any time during the period of fifteen years immediately prior to being so appointed or elected; (the emphasis was added)

41. The letter P10 specifically states that the disqualification is in view of the Petitioner being found guilty of the offence of adulterating food which “**tantamount to fraud** in terms of Section 21(1)(f) of the Finance Business Act...” with letter dated 31.01.2025, specifically clarifying that the Petitioner was disqualified for “Fraud”.

IS THE PETITIONER’S CONDUCT NOT COVERED AS AN ACT OF “FRAUD”
AS ALLEGED BY THE CENTRAL BANK?

42. The Petitioner was found to be disqualified from being a Director under Section 21(1)(f)(ii) of the Finance Business Act based on letters sent by the 1st Respondent dated 13.09.2024 (P10), 27.02.2025 ((P16) and 31.01.2025 (P14) respectively.

43. By P10 the Director of Department of Supervision of Non-Bank Financial Supervision has informed Assetline Finance Limited *inter alia* as follows:

*“Kindly be informed that in terms of the final decree of cases bearing numbers 53612 and 53613 of Magistrate Court of Kaduwela, Mr. Disanayake Mudiyansele Rohana Kumara Disanayake, Chairman of ALFL, has pleaded guilty for the offence of adulterating food in violation **under Section 26(2) of the Food Act No. 26 of 1980, which tantamount to a fraud in terms of Section 21(1)(f) of the Finance Business Act No. 42 of 2011 (FBA).** Accordingly, continuation of directorship of Mr. Disanayake in the Board of ALFL cannot be permitted in terms of Section 21(1)(f) of the FBA. Consequently, the undersigned is compelled to decline the continuation of Mr. Disanayake’s position as Chairman/Non-Independent Non-Executive Director of ALFL, by operation of law. Further the undersigned has the authority to determine a person appointed or continuing to hold office as a KRP of a Finance Company as not fit and proper at any time, in terms of Section 6.6 of the aforementioned directions, if any information to that effect is revealed.”* (the emphasis was added)

44. This is however contrary to the legal opinion relied upon by the Petitioner from Nithya Partners to the 11th Respondent, that advised that a violation of the Food Act arising merely from a directorship without fraud, deceit, or dishonesty does not fall within the scope of the relevant disqualification laws.

45. This Court is of the opinion that a reading of Section 21 of the Finance Business Act which deals with ‘Disqualifications for holding certain posts in finance companies’ does signal to its reader that the Section is inherently and intentionally broad. The Legislature that chose to classify and dictate that moral turpitude is a ground for disqualification (vide section 21(1)(b) of the Act) has not distinguished between strict liability offences and offences requiring *animus* through the inclusion of the phrase “other similar criminal activity” following the offences of “fraud, deceit and deception”.

46. While an isolated reading of Section 21(1)(f) and a subsequent application of *ejusdem generis, noscitur a sociis* and the mischief rule (the argument put forth by the 11th Respondent) would point to a limitation of the provision to convictions of a crime with criminal intent, the doctrine of harmonious construction requires that a statute be read whilst keeping in mind that “*every provision of a statute is enacted with a definite purpose and should therefore be interpreted so as to give effect to all provisions as part of a cohesive whole*” as put forward by Justice Samayawardhena in SC/APPEAL/194/2018 decided on 17.03.2026.

47. Thus, in addressing the arguments advanced by the learned President’s Counsel for the 11th Respondent that the Petitioner’s conviction under the Food Act cannot be considered to fall within the scope of Section 21(1)(f)(ii) of the Finance Business Act, I am of the view that even upon a true application of *ejusdem generis, noscitur a sociis* or the mischief rule, the outcome remains guided by the doctrine of harmonious construction, which indicates the broad and wide intention of the legislature that chose to include moral turpitude as a ground alongside that of “fraud, deceit, dishonesty or other similar criminal activity”.

48. I find it pertinent to also address the analogy brought forward by the Learned President’s Counsel for the 11th Respondent. It was argued that interpreting the statute otherwise would lead to the absurdity of disqualifying experienced financial directors for minor infractions, such as traffic violations. The analogy was essentially that a violation under the Motor Traffic Act would also fall under the “other similar criminal activity” limb

of the provision. However, I find that this is a gross oversimplification of the matter at hand. It is clear that through this provision specifically the intention was for it to act as a catch all provision for crimes “**similar**” to fraud, not merely in terms of the *mens rea* element but those of similar outcome. A Motor traffic violation that deals with negligence and is not in any way associated with the offences of fraud, deceit or dishonesty. Whereas, the offence at hand, the adulteration of food, **to which the Petitioner has pleaded guilty, instead of contesting the same**, is laced with elements of fraud, deceit and dishonesty to consumers and the public at large.

49. Furthermore, it is the view of the Court that the denial of committing the offence before this Court cannot now vitiate the conviction that has already been recorded before the Magistrate. In view of the totality of the aforesaid, the Petitioner having voluntarily entered a plea of guilty without relying on the statutory defences available to him, is now estopped from advancing a contrary factual position before this Court.

50. For all the foregoing reasons, the decisions contained in P10, P14 and P16 are neither arbitrary nor unlawful. This application is dismissed without costs.

Judge of the Court of Appeal

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

I agree.

President of the Court of Appeal