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

Vs.

C.A. Case No: **HCC-0224/2014**

H.C. Rathnapura Case No: **HC 111/2007**

Thapassara Muhandiramlage Hasitha Samantha alias Sarpaya

Accused

AND NOW BETWEEN

Thapassara Muhandiramlage Hasitha Samantha alias Sarpaya

(Presently in Prison)

Accused-Appellant

Vs.

The Attorney General
Attorney General's Department
Colombo 12

Complainant- Respondent

BEFORE	:	K. K. Wickremasinghe, J. K. Priyantha Fernando, J.
COUNSEL	:	Faisz Musthapha, PC with Nalin Ladduwahetty, PC, AAL Shantha Jayawardena, AAL Niranjan Arulpragasam, AAL Keerthi Thilakaratne and AAL Nilanthi Karunasinghe for the Accused-Appellant Dilan Rathnayake, DSG for the Complainant-Respondent
ARGUED ON	:	28.06.2019, 17.07.2019 & 29.08.2019
WRITTEN SUBMISSIONS	:	The Accused-Appellant – On 30.10.2017 & 24.09.2019 The Complainant-Respondent– did not file
DECIDED ON	:	10.12.2019

K.K.WICKREMASINGHE, J.

The Accused-Appellant has filed this appeal seeking to set aside the judgment of the Learned High Court Judge of Rathnapura dated 11.12.2014 in case No. HC 111/2007. The Learned DSG for the complainant-respondent informed Court that he does not wish to tender written submissions.

Facts of the case:

The accused-appellant (hereinafter referred to as the 'appellant') was indicted in the High Court of Ratnapura under five charges as follows;

- **Charge 01 and 02** – Causing death of two people named in the charges, an offence punishable under section 296 of the Penal Code.

- **Charge 03 to 05** – committing attempted murder on three people named in the charges, an offence punishable under section 300 of the Penal Code.

The appellant pleaded not guilty to the charges. At the trial, the prosecution led evidence of 16 witnesses and the appellant made a Dock statement denying the charges against him.

At the conclusion of the trial, the Learned High Court Judge convicted the appellant of the 1st and 2nd charges and imposed the death sentence. The appellant was acquitted of the charges 3, 4 and 5 in the indictment.

Being aggrieved by the said conviction and the sentence, the appellant preferred this appeal.

The Learned President's Counsel for the appellant submitted following grounds of appeal, in the written submissions;

1. The prosecution has failed to establish beyond reasonable doubt that vehicle P1 was in possession of the accused
2. The prosecution has failed to establish beyond reasonable doubt that it was the vehicle P1, that caused the injuries to the deceased
3. The prosecution has failed to establish beyond reasonable doubt that the accused drove the vehicle (P1)
4. The Learned High Court Judge erred in law in rejecting the *alibi*
5. The law relating to a case based on circumstantial evidence
6. The errors made by the Learned High Court Judge in evaluating the evidence
7. The accused has been denied of a fair trial

As per the prosecution evidence, the incident in question can be summarized as follows;

The car bearing registration number 07 Sri 2145 (marked as 'P 1') was a vehicle that was in possession and control of the appellant. On 31.12.2003, the said car deliberately knocked the deceased at about 9.30 pm. At that time, the car was moving from Ratnapura, Kalawana in the direction of Matugama. The incident took place at Manana.

The Learned High Court Judge concluded that the appellant had possession of the vehicle and therefore, the appellant was legally bound to offer an explanation as to who drove the vehicle (which was in his possession) at the time of the incident. Since the appellant did not offer an explanation, the prosecution has established the guilt of the appellant beyond reasonable doubt.

The Learned High Court Judge further concluded that the prosecution has established ownership of the vehicle 'P 1' and that the evidence reveal that on 31.12.2003, the appellant was on Manana road. Therefore, an inference can be drawn that on 31.12.2003 at 9.30 pm as well the vehicle 'P 1' was in possession or control of the appellant.

I wish to consider the 1st to 3rd grounds of appeal, together.

In the above said grounds of appeal, the Learned President's Counsel for the appellant contended that the prosecution has failed to establish beyond reasonable doubt that vehicle P1 was in possession of the accused, the said vehicle caused the injuries to the deceased and the accused drove the said vehicle (P 1).

The Learned High Court Judge mainly considered the evidence of the registered owner of the vehicle, Lalindra Ariyawansha (Witness No. 04 in the Additional list) to come to the conclusion that the appellant was the owner of the vehicle. According to the certificate of registration of the vehicle (marked as 'P5 A'), the registered owner was said Lalindra Ariyawansha. The Certificate of Insurance

(marked as 'P5 C') also has the name of Lalindra Ariyawansha as the owner of the vehicle.

The prosecution produced a document marked as 'P 28' through the witness Lalindra Ariyawansha. 'P 28' was a letter dated 08.12.2003 purportedly addressed by Lalindra Ariyawansha to the appellant (Page 658 of the brief). It was argued on behalf of the appellant that even though the contents of the letter states that the vehicle was "transferred" to the appellant, the said letter has been signed only by Lalindra Ariyawansa and one Jayanetti Koralalage Lionel. It was admitted between the parties that the said letter 'P 28' was not evidence of Lionel handing over the vehicle to the appellant (Page 662 of the brief).

However, it is noteworthy that the Learned High Court Judge in his judgment, contrary to the admission recorded, held that as the document marked as P 28 was addressed to the appellant, Lionel has taken over possession of the vehicle on behalf of the appellant (Page 1114 of the brief).

Further, Lalindra Ariyawansa himself admitted that the appellant had not spoken to him about purchasing the car nor had Ariyawansa spoken to the appellant about the car subsequent to the same being handed over to Lionel. Therefore, it is an admitted fact that Lalindra Ariyawansha did not handover the vehicle to the appellant (Page 651 to 656 of the brief).

Therefore, I am of the view that that the Learned High Court Judge erred in concluding that 'P 28' established that Lionel took over the vehicle on behalf of the appellant since it is contrary to the admission recorded in the Court. Further, such conclusion is contrary to the contents of P 28 as well.

The prosecution produced and marked a diary used as a telephone index 'P 4', which was recovered from the cubbyhole of the car by the Chief Inspector Gunasekera. The said diary was marked as 'P 4-A'. It was revealed that the said

telephone index belonged to one Wasantha Dulmini Gunawardena. Her designation and address were written on P 4 as follows:

> "පරිගණක උපදේශිකා ,ගීතාන් ගොඩනැගිල්ල ,මතුගම පාර, මානාන, කලවාන" (Page 465 of the brief)

The prosecution did not lead evidence as to who Wasantha Dulmini Gunawardena was or she was not called to give evidence.

Based on the recovery of said directory, the Learned High Court Judge held that it belonged to a computer advisor of a business of the appellant or his brother, and therefore, it can be assumed that she has placed it in the car on an occasion that she travelled in the car or the owner of the car has placed it in the car (Pages 1118 and 1119 of the brief).

However, the prosecution did not lead any evidence to prove that said 'Geethan Service Station' was owned by the appellant.

Therefore, I am of the view that the said inference drawn by the Learned High Court Judge, based on the recovery of said telephone index, was merely an assumption and it cannot be sustained.

Furthermore, the Learned High Court Judge relied on the evidence of Gamini Pathirage to arrive at the conclusion that the vehicle "P 1" was owned by the appellant. As per the evidence of Gamini Pathirage, he believed the car belonged to the appellant for two reasons, namely for the reason that the appellant drives a red car and for the reason that the people who were around said, that it was Hasitha Samantha's (appellant) car.

I observe that the said evidence on the identification of the ownership of car clearly amounts to hearsay evidence. Further, I see merits in the contention of the Learned President's Counsel for the appellant that according to Gamini Pathirage, any red car would belong to the accused.

Accordingly, I am of the view that none of the above said evidence was cogent evidence to establish that the vehicle was in fact belonged to the appellant.

The Learned President's Counsel for the appellant contended that the Learned High Court Judge erred in relying on two isolated sentences of Dharmasena and Gamini Pathirage to conclude that it was the vehicle Pl that was involved in the incident. It was argued that the Learned High Court Judge failed to consider the evidence of Dharmasena and Gamini Pathirage as a whole in the proper context.

It is observed that the Learned High Court Judge relied on three items of evidence to conclude that it was the vehicle bearing registration No. 7 Sri 2145 which collided with the deceased;

a) Ranjith Dharmasena's one isolated statement in evidence-in-chief stating that "අපි හැපුණු කාර් රථය කියා හඳුනාගන්නට පුලුවන්"
b) Gamini Pathirage's one isolated statement in evidence-in-chief stating that "මෙම නඩුවට සම්බන්ධ කාර් රථය"
c) The number plate produced marked as 'P 11'

However, I observe that there are major inconsistencies and contradictions in the evidence of the said witnesses and the Learned High Court Judge has failed to consider the same.

Dharmasena, in evidence-in-chief, testified that when he and others including the deceased, were walking towards Mathugama on Ratnapura-Matugama Road, a car came from behind and knocked them. He further testified that he had not seen the car before that (Page 120 of the brief).

However, when he was called for further evidence-in-chief on the following day, he took up the position that he has seen the car before and the car belonged to appellant which was contrary to his previous evidence (Page 137 of brief).

Further, Dharmasena's position that he had seen the appellant driving the car for 2-3 years is totally inconsistent with the evidence of Lalindra Ariyawansa (registered owner) who testified that the car was handed over to Lionel on 08.12.2003 (Page 654 of the brief). Therefore, even if the document marked as P 28 is believed, it also established that the said car was with Lalindra Ariyawansa until 08.12.2003.

For these reasons, I am of the view that the evidence of Dharmasena was not consistent and credible.

The Learned President's Counsel for the appellant brought to the attention of this Court about the contradictions between the evidence of two eye witnesses and the Police officer, Keerthidasa Gunasekera who took the vehicle into custody.

Both witnesses, Dharmasena and Wickramapathirage Gamini, testified that the vehicle involved in the incident went further 100 meters towards Matugama and took a U-Turn near the Geethan Service and went towards Ratnapura, Kalawana (Page 280 to 283 and page 126 to 132 of brief).

However, police officer Gunasekera who took the vehicle into custody, testified that the vehicle was found on the road leading to Matugama from the place of incident, which was contradictory to the evidence of Dharmasena and Gamini Pathirage (Page 349 to 351 of the brief).

Furthermore, the Learned High Court Judge rejected the evidence of the Government Analyst since the proper procedure had not been followed in forwarding the productions to the Government Analyst, there had been a delay of six months in sending the productions to the Government Analyst and the productions had not been sealed (Page 1070 – 1075 of the brief). However, the Learned High Court Judge later proceeded to rely on one such production, namely, the number plate produced marked as 'P 11' and concluded that the

prosecution has established beyond reasonable doubt that the vehicle marked as P 01, collided on the deceased.

I am of the view that the Learned High Court Judge should not have performed the duty of an expert witness himself if the productions were not good enough for the Government Analyst to form an opinion. Further, I am of the view that the Learned High Court Judge erred in law by comparing P 11 and forming an expert opinion on same and drawing an inference based on same, given the fact that the Judge himself had rejected the expert evidence for above-said reasons.

It was contended in third ground of appeal that the Learned High Court Judge erred in law by applying the Judgment of the Supreme Court in **Attorney-General V. Potta Naufer and Others [2007 2 SLR 144]** to the instant case.

Even the Learned DSG for the respondent conceded the above ground of appeal.

The Learned High Court Judge concluded that the evidence revealed that on 31.12.2003, between 11.00 p.m. and 12 (midnight) the appellant was on Manana Road and the car (P 01) was in his possession. Therefore, a reasonable inference can be drawn that on 31.12.2003 at 9.30 p.m as well the vehicle was in control and possession of the appellant. Thereafter, applying the Potta Naufer case (supra) and the Ellenborough dictum, the Learned High Court Judge drew an inference that the appellant drove the vehicle at the time of the incident as alleged in the indictment since he did not offer any explanation as required in Ellenborough dictum (Page 1143 and 1144 of brief).

It is noteworthy that Learned High Court Judge concluded that the prosecution has not led any direct or circumstantial evidence to the effect that at the time of the incident the appellant drove the car:

"පැමිණිල්ල විසින් සිද්ධිය වූ අවස්ථාවේදී" පැ "01 රථය පැදවූයේ විත්තිකරුමය යන්නට කිසිදු සෘජු හෝ පරිවේශණ සාක්ෂියක් ඉදිරිපත් නොකළේය ".(Page 1140 of the Brief)

It is surprising that even after the above finding, the Learned High Court Judge expected the appellant to offer an explanation as described in the Ellenborough dictum.

In the case of the **Potta Naufer (supra)**, it was observed that,

> *"The Ellenborough dictum contained in Lord Cochrane's case and as adopted and developed by courts today provides that "No person accused of a crime is bound to offer any explanation of his conduct or of circumstances of suspicion which attach to him, but nevertheless if he refuses to do so where a strong prima facie case has been made out, and when it is in his power to offer evidence, if such exist in explanation of such suspicious appearance which would show them to be fallacious and explicable consistently with his innocence, it is a reasonable and justifiable conclusion that he refrains from doing so only from the conviction that the evidence so suppressed or adduced would operate adversely to his interest"..."*

In the said case of **Potta Naufer**, it was held that,

> *"Sri Lankan courts have for the most part applied the principle that while, suspicious circumstances alone do not relieve the prosecution of the burden of proving the guilt of the accused beyond reasonable doubt, the existence of a telling evidence of a mass of circumstances, which remain unexplained by the accused, could result in a finding of guilt against the accused. [Vide, Prematilleke v The Republic(33)]. Thus courts in Sri Lanka have applied the principle commonly known as the Ellenborough principle hand in hand with the principle set out in*

Woolmighton v DPP(34), which provides that the burden of the proof in a criminal trial is on the prosecution and remains so throughout the trial. The principle of expecting an explanation of damning circumstances does not displace the principle of Woolmington (supra) and it is applied only when the prosecution has established a strong prima facie case."

It is trite law that the Ellenborough principle cannot be applied when the prosecution has failed to establish a strong *prima facie* case. The Learned President's Counsel for the appellant contended that Ellenborough principle cannot be resorted to bolster a weak case.

In the case of **Kusumadasa V. State [(2011) 1 Sri LR 240]**, it was held that,

"To apply the dictum of Lord Ellenborough it is incumbent on the prosecution to put forward a strong prima facie case against the accused. When the prosecution has not put forward a strong prima facie case the dictum of Lord Ellenborough cannot be applied. Dictum of Lord Ellenborough cannot be used to give life to a weak case put forward by the prosecution..."

Therefore, I am of the view that the Learned High Court Judge erred by applying the Ellenborough dictum in the instant case, after he had concluded that there was no direct or circumstantial evidence led by the prosecution to show that appellant drove the car at the time of the incident. In fact the Learned Deputy Solicitor General also conceded that the Ellenborough dictum cannot be applied under the above circumstances.

Further, interpreting the affidavit of the sister of the appellant, Wayanthi Sanjeevani marked as "P 29-A", the Learned High Court Judge concluded that the appellant had been in Kalawana on 31.12.2003 until about 10.00 a.m. - 11.00 a.m (Page 1125 of brief). On the contrary, the evidence led by the prosecution demonstrates that by 10.10 p.m. on 31.12.2003 C.I. Keerthidasa

Gunasekera had found the vehicle knocked on a tree on Matugama Road and since then the vehicle was in the custody of the Police (Page 346 to 350 and page 445 to 447 of brief).

Therefore, I am of the view that the Learned High Court Judge erred in coming to the conclusion that on 31.12.2003, between 11.00 p.m. and 12.00 midnight the appellant was in possession and control of the car on Manana Road when the Investigating Officer categorically testified that by 10.10 p.m. he had found the vehicle knocked on a tree on Matugama Road.

The Learned High Court Judge, after requiring the appellant to offer an explanation since the burden had shifted on him, proceeded to apply illustration (a) of Section 114 of the Evidence Ordinance (Page 1135 of brief)

Illustration (a) of Section 114 of the Evidence Ordinance states that;

> *"The court may presume—*
>
> *(a)that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession"*

I am of the view that the Learned High Court Judge misdirected in law by applying the presumption of stolen property to the instant case, in order to require the appellant to offer an explanation. Since the issue in this case was not of a stolen property, such application was not warranted and unnecessary.

The Learned DSG for the respondent conceded that the prosecution evidence only established a suspicion that the appellant was the owner of the vehicle in question.

For the above reasons, I am of the view that the ground of appeal from 01 to 03 should succeed.

In the 4th ground of appeal, it was contended that the Learned High Court Judge was misdirected on the law and based his conclusion on the erroneous premise that there was a burden on the appellant to prove the 'defence' of *alibi*.

The Learned High Court Judge rejected the defence of *alibi* on the premise that the appellant in his affidavit, which was tendered to the Magistrate's Court at the time of surrendering, had not stated about *alibi* (Page 1145 – 1146 of the brief). However, it is observed that the appellant took up the defence of *alibi* and gave notice of the same to the prosecution on 11.06.2008 (Page 59 of the brief). Therefore, I am of the view that the appellant had complied with Section 126A (3) of the Code of Criminal Procedure Act (as amended), in which it is required from the defence to give notice to the prosecution about defence of *alibi*, 14 days prior to the commencement of trial.

In the case of **The King V. Marshall [51 NLR 157]**, it was held that,

> *"An alibi is not an exception to criminal liability, like a plea of private defence or grave and sudden provocation. An alibi is nothing more than an evidentiary fact, which, like other facts relied on by an accused must be weighed in the scale against the case of the prosecution. In a case where an alibi is pleaded, if the prisoner succeeds in creating a sufficient doubt in the minds of the Jury as to whether he was present at the scene at the time the offence was committed, then the prosecution has not established its case beyond reasonable doubt and the accused is entitled to be acquitted..."*

In the case of **Punchi Banda and two others V. The State [76 NLR 293]**, it was held that,

> *"when an alibi is pleaded in defence, the burden of proof on the accused is not similar to that in a case where the accused raises a mitigatory or*

exculpatory plea. Where the defence is that of an alibi, the accused has no burden as such of establishing any fact to any degree of probability."

In the case of **Banda and others V. Attorney General [(1999) 3 Sri LR 168]**, it was held that,

"There is no burden whatsoever on an accused who puts forward a plea of alibi and the burden is always on the prosecution to establish beyond reasonable doubt that the accused was not elsewhere but present at the time of the commission of the criminal offence..."

Therefore, it is manifestly clear that the appellant had placed a doubt in the version of the prosecution by raising his defence of *alibi*, and it was the duty of the prosecution to prove that the appellant was present at the scene of crime, beyond reasonable doubt. As I have already discussed under the 3rd ground of appeal, it is my view, that the prosecution has failed to prove beyond reasonable doubt that appellant was in fact inside the car and he drove the same. Therefore, I answer the contention of the Learned President's Counsel in affirmative.

In the 5th ground of appeal, it was contended that the Learned High Court Judge failed to appreciate and apply the legal principles relating to proving a case based on circumstantial evidence.

It is observed that the case of the prosecution was mostly based on circumstantial evidence.

In the case of **The King V. Appuhamy [46 NLR 128]**, it was held that,

"In order to justify the inference of guilt from purely circumstantial evidence, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation upon any other reasonable hypothesis than that of his guilt."

In **Podi Singho V. The King [53 NLR 49]**, it was held that,

"that in a case of circumstantial evidence it is the duty of the trial Judge to tell the jury that such evidence must be totally inconsistent with the innocence of the accused and must only be consistent with his guilt."

In the case of **The Queen V. M.G. Sumanasena [66 NLR 350]**, it was held that,

"Suspicious circumstances do not establish guilt. Nor does the proof of any number of suspicious circumstances relieve the prosecution of its burden of proving the case against the accused beyond reasonable doubt and compel the accused to give or call evidence. We are unable to reconcile what the learned Judge said earlier in his summing-up with what he said in the passage to which exception is taken. The burden of establishing circumstances which not only establish the accused's guilt but are also inconsistent with his innocence remains on the prosecution throughout the trial and is the same in a case of circumstantial evidence as in a case of direct evidence..."

In light of above, it is understood that when a case is based on circumstantial evidence, it must not be capable of any other inference than the guilt of the accused and must be inconsistent with the innocence of the accused.

However, it is my considered view that in the instant case, an irresistible inference cannot be drawn as to no-other person than the accused committed the offence. Upon perusal of the evidence, I am of the view that several inferences other than the appellant's guilt can be drawn and therefore, the 5th ground of appeal too should succeed.

In the 6th ground of appeal, the Learned President's Counsel for the appellant submitted that the Learned High Court Judge committed several fundamental errors in evaluating the evidence, particularly the credibility of witnesses. Accordingly, in the written submissions, a list of inconsistencies and

contradictions in the evidence of Ranjith Dharmasena, Gamini Pathirage, Lalindra Ariyawansa and Keerthidasa Gunasekara were brough to the attention of this Court.

One such error was pointed out as follows;

Gamini Pathirage stated in his evidence-in-chief that when he was inside the police jeep, he saw the car P 01 which knocked them going back towards Kalawana and in the said journey towards Kalawana, the car went close to the head of one of the deceased (Page 283, 301 and 302 of brief). However, the Learned High Court Judge considering the fact that 11 years have lapsed since the incident, concluded that Gamini Pathirage was on the road when the vehicle P 01 went back and Gamini Pathirage had mistakenly stated that he was inside the jeep (Page 1035 - 1037 of the brief). It is notewrothy that the Learned High Court Judge placed the witness on the road, when the witness himself had testified that he was inside the jeep.

Therefore, I am of the view that some portions of the judgment manifest that the Learned High Court Judge had predetermined the case which caused prejudice to the appellant.

In the final ground of appeal, it was contended that the appellant has been denied a fair trial. While the PW 01 (T.M. Karunarathna) was testifying, the State Counsel moved to treat the said witness as an adverse witness under section 154 of the Evidence Ordinance and the same was allowed by the Learned High Court Judge (Page 231 of the brief).

Thereafter, the State Counsel submitted to court that steps would be taken to file charges against the said witness for contempt of court and moved the court to release the said witness on bail. On the same day, the Learned High Court Judge enlarged the said witness on bail and remanded him until bail conditions are completed (Page 238 of the brief).

The Learned President's Counsel for the appellant contended that releasing PW 01 T.M. Karunarathna on bail and remanding him until he was enlarged on bail has affected on the independence of the other witnesses who were called thereafter.

It is observed that subsequent to the remanding of PW 01, Disanayake Mudiyanselage Weerasinghe (PW 07) had been called to give evidence.

Further, the State Counsel has put a question to the said witness as to whether he knows PW1 T.M. Karunarathna who was in Court that day (Page 241 of the brief).

In the case of **R.M.S. Priyantha Rathnayake V. The Attorney General (2014) BASL L.R. 272**, it was held that,

> *"It is the view of this Court that it is irregular and it amounts to a miscarriage of justice for the witness to be remanded as the trial Judge observes that the witness is giving evidence due to compulsion. This act of remanding would have a serious impact not only on the witness but also on all other witnesses who gave evidence subsequently at the trial. The Court has observed that the subsequent witnesses appear to be giving evidence not according to their free will and they appear to be scared. This is more than sufficient material to decide that a fair trial had not been conducted and that amounts to a miscarriage of justice."*

The practice of Court has always been to take action against a witness who was treated adverse, only at the end of the case in order to ensure that the subsequent witnesses are not pressurized. It is my view that, the way in which the PW 01 was treated could have certainly placed pressure on subsequent witnesses and the same might have affected their testimonies as well. Therefore, I answer the final ground of appeal in affirmative.

In view of above facts, Learned Deputy Solicitor General conceded that the appeal should be allowed. Considering the above reasons, I am of the view that the prosecution had failed to establish the charges against the appellant beyond reasonable doubt, that the appellant in fact drove the vehicle which collided with both the deceased who sustained injuries and thereby succumbed to the said injuries. After perusing the evidence and the judgment of the Learned High Court Judge, I am of the view that it is unsafe to convict the appellant for charges 01 and 02. Therefore, I set aside the convictions and the death sentences and acquit the appellant.

The appeal is allowed.

JUDGE OF THE COURT OF APPEAL

K. Priyantha Fernando, J.

I agree,

JUDGE OF THE COURT OF APPEAL

Cases referred to:

1. Attorney-General V. Potta Naufer and Others [2007 2 SLR 144]
2. Kusumadasa V. State [(2011) 1 Sri LR 240]
3. The King V. Marshall [51 NLR 157]
4. Punchi Banda and two others V. The State [76 NLR 293]
5. Banda and others V. Attorney General [(1999) 3 Sri LR 168]
6. The King V. Appuhamy [46 NLR 128]

7. Podi Singho V. The King [53 NLR 49]
8. The Queen V. M.G. Sumanasena [66 NLR 350]
9. R.M.S. Priyantha Rathnayake V. The Attorney General (2014) BASL L.R. 272