

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

In the matter of an Application for Revision in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka, read with Section 364 and 365 of the Criminal Procedure Act No.15 of 1979.

**CA Case No: CPA 03/2026**

HC of Colombo Case NO:

HCB 201/2022

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

**COMPLAINANT**

**-VS-**

Bamunuarachchi Pathirennhelage Sarana  
Guptha Gunawardhane, No 15/3, Wijayarama  
Road, Gampaha.

**ACCUSED**

**AND NOW BETWEEN**

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

**COMPLAINANT-PETITIONER**

**-VS-**

Bamunuarachchi Pathirennelage Sarana  
Guptha Gunawardhane,

No 15/3, Wijayarama Road, Gampaha.

**ACCUSED-RESPONDENT**

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

**Counsel :** K. Kavini de Silva, CIABOC for the Petitioner

**Supported On :** 19.02.2026

**Order On:** 30.03.2026

**ORDER**

**B. Sasi Mahendran, J.**

This is a revisionary application filed by the Complainant-Petitioner, the Director General of the Commission to Investigate Allegations of Bribery or Corruption (hereinafter referred to as "the Petitioner"), invoking the revisionary jurisdiction of this court, seeking the following reliefs prayed in the petition dated 19<sup>th</sup> December 2025.

- a. Issue notice of this application in the first instance on the Accused-Respondent above named.
- b. Call and examine the case record in the High Court of Colombo, Case No. HCB/201/2022

- c. Set aside/vary/and or revise the order of the Learned High Court Judge dated 23rd of August, 2024
- d. Grant Cost
- e. Grant the Petitioner such other and further relief

**The following facts are relevant to this Application**

The Accused Respondent (hereinafter referred to as the Respondent) was indicted before the High Court of Colombo under Section 70 of the Bribery Act.

The main allegation against the Respondent was that between 01<sup>st</sup> August 2007 and 5<sup>th</sup> May 2008 while serving as the Chairman of the Development Lotteries Board unlawfully used his position to confer undue finance benefits to certain individuals by illegally influencing to release sum of Rs 960, 000 as advance payments for each vehicle leased to the Development Lotteries Board by Wijerathna Arachchilage Neil Shantha and Jayasinghe Arachchilage Wasantha Nihal and thereby caused loss to the government.

In order to prove this offence, the prosecution led evidence by presenting PW 1, Sellam Polagedara Senaratne, PW 2, Isuru Nuwan Sanjeewa Aberatne, PW 5, Ranjith Thenuwara De Silva, and PW 11, IP Gunathilaka, and the production was marked from P1 -P7.

The question before the Learned High Court Judge was whether signing the agreements, approval, and release of the payment, it resulted in a loss to the government or caused an undue profit to the owners of the said vehicle in accordance with section 70 of the Bribery Act.

The Learned High Court Judge has formed the opinion as follows,

මෙම සාක්ෂිකරුවන්ගේ සාක්ෂි අනුව විශේෂයෙන්ම පැ.සා. 02 පවසා සිටියේ සේවා අවශ්‍යතාවය මත සංවර්ධන ලොතරැයි මණ්ඩලයේ අධ්‍යක්ෂක මණ්ඩල තීරණයක් අනුව මෙම වාහන මිලදී ගැනීම සිදු කළ බව සහ ඒ සඳහා නියමිත පරිදි මිල ගණන් කැඳවා අවම මිල ගණනට ටෙන්ඩර් ලබාදීම සිදු කරන ලද බවයි.

It is evident that the Learned High Court Judge concluded that the decision was taken on the basis of necessity to rent out the vehicle, and that such a decision had been duly approved by the Board of Directors.

During the support stage, counsel contended that by paying the rent in advance, the accused had failed to follow the relevant procedure and thereby violated the directions of

the Ministry of Policy Development and Implementation. However, during the trial, no documents were produced through witnesses to substantiate this allegation. Even before us, no material has been placed to demonstrate that any circular or directive exists that prohibits the payment of rent in advance.

I am mindful that this is a revision application, where the court's task is confined to determining whether the learned High Court Judge failed to consider any evidence placed before him. Upon perusal of the impugned judgment, it is evident that the prosecution has not established through any document that the Respondent deviated from the proper procedure in a manner that caused loss to the Government.

I am mindful that, against the said order, the petitioner initially filed a leave to appeal application, which was subsequently withdrawn on 24.01.2025. It must be noted that such an application was a leave to appeal application. Even though there is no statutory provision permitting the filing of a leave to appeal application, under the Anti-Corruption Act, the proper provision for filing an appeal is available.

Section 68 (1) of the Anti-Corruption Act No 9 of 2023 reads as follows,

*68. (1) Where proceedings are instituted in the High Court by an indictment signed by the Director-General, the Director-General shall have the right to appeal against a judgment, order or sentence of such High Court in all cases in which the Attorney-General would have had the right to appeal against such judgment, order or sentence had an indictment for such offence been presented to such Court by the Attorney-General.*

The petitioner, however, failed to exercise the remedy available under the Anti-Corruption Act. The present application was filed on 19.12.2025, more than one year and four months after the impugned judgment. This inordinate delay in filing the revision application has not been explained by the petitioner. It is well established that revision is a discretionary remedy, and therefore, courts expect petitioners to provide a reasonable and satisfactory explanation for any delay in invoking such jurisdiction.

I am mindful of the following judgment.

In *Camillus Ignatious vs. OIC of Uhana Police Stations* CA 907/89 M.C. Ampara 2587 (Application in revision), where His Lordship held that

*“a mere delay of 4 months in filing the revision application was fatal to the prosecution of the revision application before the Court of Appeal. Accused's contumacious conduct and unreasonable delay would necessarily preclude him from inviting this Court to act in revision in terms of Section 364 of the Code of Criminal Procedure Act.”*

*His Lordship further added*

*“These matters must be considered in limine before the Court decides to hear the accused-petitioner on the merits of his application. Before he could pass the gateway to relief his aforesaid contumacious conduct and his unreasonable and undue delay in filing the application must be considered and determination made upon those matters before he is heard on the merits of the application.”*

For the abovementioned reasons, this court is disinclined to issue notice to the Respondents.

Application dismissed.

**JUDGE OF THE COURT OF APPEAL**

**Amal Ranaraja, J.**

**I AGREE**

**JUDGE OF THE COURT OF APPEAL**