

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

In the matter of a Revision Application under
Article 138 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

CA/REV No: CPA/19/2026

Provincial High Court of Batticaloa

Case No: HCB/MC-APP/475/22

MC Eravur Case No: 36718/ODD/21

The Officer-in-Charge,
Police Station,
Eravur

Complainant

Vs.

Isma Lebbe Junaid

Kalai Mahal School Road,

Eravur

Accused

AND

Isma Lebbe Junaid

Kalai Mahal School Road,

Eravur

Accused- Appellant

Vs.

01. Officer-in-Charge,
Police Station
Eravur.

Complainant-Respondent

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

Respondents

AND NOW BETWEEN

Isma Lebbe Junaid
Kalai Mahal School Road,
Eravur

Accused- Appellant - Petitioner

Vs

01. The Officer-in-Charge,
Police Station,
Eravur

Complainant- Respondent-Respondents

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

Respondent-Respondent

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

Counsel : Yoosuf Nasar for the Accused-Appellant- Petitioner
Shezan Mahboob, SC for the Respondent

Supported

On: 31.03.2026

Order On: 27.04.2026

ORDER

B. Sasi Mahendran, J.

This revision application has been filed by the Accused-Appellant-Petitioner (hereinafter referred to as the Petitioner), in exercising appellate jurisdiction as per provisions in the High Courts of the (Special Provisions) Act No. 19 of 1990 as amended challenging the judgment of the Learned High Court Judge bearing Case No HCB/MC-APP/475/22 dated 19 June 2025 and the judgment of the learned magistrate dated 19.10.2022 bearing case No.36718/ODD/21

The facts and circumstances of this case are as follows,

According to the Petitioner, he was charged for the offences punishable under Sections 54A and 78(5)(a) of the Poisons, Opium and Dangerous Drugs (Amendment) Act, No. 13 of 1984. Upon conclusion of the trial, the Learned Magistrate, by judgment dated 19.10.2022, found the Petitioner guilty and convicted him on both charges. The Petitioner was thereafter sentenced on 30.11.2022.

Being aggrieved by the aforementioned judgement and the sentence, the Petitioner has appealed to the High Court of the Eastern Province holden at Batticaloa in terms of Section 320 of the Code of Criminal Procedure Act, No. 15 of 1979.

Subsequently, the Learned High Court Judge, by the Judgment dated 19.06.2025, affirmed the conviction and sentence imposed by the Learned Magistrate and dismissed the appeal. Being aggrieved by the Judgment of the Learned High Court Judge dated

19.06.2025, the Petitioner, by this revision application, invokes the revisionary jurisdiction of this Court in terms of Article 138 of the Constitution.

I am mindful that the recently delivered judgement of the Supreme Court, in the case of *W.T.S. Nilantha Fernando v P.M.S. Nilanthi Perera*, in Case No. SC Appeal 65/2025, delivered on 10th October 2025, wherein His Lordship Justice Samayawardena held that,

“Hence, I hold that the Court of Appeal has no jurisdiction, whether by way of final appeal, revision, or restitutio in integrum, to review the judgments or orders of the Provincial High Court, whether in the exercise of its appellate jurisdiction under Act No. 19 of 1990, as amended by Act No. 54 of 2006, or in the exercise of its original jurisdiction under Act No. 10 of 1996. Such jurisdiction is vested exclusively in the Supreme Court.”

In the present matter, the Petitioner has sought to challenge the judgment delivered by the Learned High Court Judge, who exercised appellate jurisdiction under Act No. 19 of 1990, by invoking the revisionary jurisdiction of this Court. In effect, the Petitioner attempts to exercise appellate powers through a revision application. Having considered the recent decision of the Supreme Court referred to above, I am constrained to hold that this Court lacks jurisdiction to entertain or adjudicate upon the instant application. Accordingly, the application is not maintainable before this Court.

Therefore, I hereby dismiss this revision application and will not make any order regarding the cost.

JUDGE OF THE COURT OF APPEAL

Amal Ranaraja, J.

I AGREE

JUDGE OF THE COURT OF APPEAL