

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

**In the matter of an Application for
Revision under and in terms Article
138 of the Constitution of the
Democratic Socialist Republic of Sri
Lanka.**

Officer-in-Charge,
Police Station,
Ruwanwella.

Complainant

**Court of Appeal No.
CA/CPA 61/2026**

Vs.

H.C. Kegalle Case No.
අඹ/7041/2024
M.C. Ruwanwella
Case No. 89811

Kaludurage Nihal Senarathne
No. 46,
Hakpitiya,
Wathurugama.

Accused

Marasinghe Arachchige Thananjaya
Sithum Padmalal
108/3, Wagolla Waththa,
Walgammulla,
Hakpitiya.

Claimant

AND

Marasinghe Arachchige Thananjaya
Sithum Padmalal
108/3, Wagolla Waththa,
Walgammulla,
Hakpitiya.

Claimant-Appellant

Vs,

1. Officer-in-Charge,
Police Station,
Ruwanwella.
2. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Respondents

AND NOW BETWEEN

Marasinghe Arachchige Thananjaya
Sithum Padmalal
108/3, Wagolla Waththa,
Walgammulla,
Hakpitiya.

Claimant-Appellant-Petitioner

Vs,

1. Officer-in-Charge,
Police Station,
Ruwanwella.
2. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Respondents-Respondents

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

Counsel: Danushka Rahubadda with Uvindu Jayasiri for the
 Petitioner

Wishwa Wijesooriya, S.C. for the Respondents

Supported on: 11.09.2026

Decided on: 29.09.2026

Order

Amal Ranaraja. J.

1. On December 31st, 2020, officers of the *Ruwanwella* Police Station have arrested a person named, *Kaludurage Nihal Senaratne*, for transporting Jak timber logs valued Rs. 61,605.85 without the valid permit. This has occurred in a vehicle bearing Registration Number 42-2068.
2. Thereafter, the officer in charge of the *Ruwanwella* police has instituted proceedings in the Ruwanwella Magistrates Court, against the person referred to above for illegally transporting Jak timber logs, an offence punishable under Section 24(1) read with Sections 25(2) and 40 of the Forest Ordinance No.16 of 1907 (as Amended). The accused upon pleading guilty to the charge have been convicted and sentenced.
3. Subsequently, a confiscation inquiry has been held regarding the vehicle bearing Registration No. 42-2068. By order dated August 20th,2024, the learned Magistrate has ordered the confiscation of the said vehicle. Aggrieved by the order, the registered owner petitioner- appellant (hereinafter referred to as the appellant) has filed an appeal (7041/අඹ/24) in the High Court of Kegalle.
4. The learned High Court Judge by the order dated June 08th,2026, has dismissed the appeal, and affirmed the order of the learned Magistrate. The appellant also being aggrieved by the order of the learned High Court Judge of Kegalle, dated June 08th,2026, has preferred the instant application in revision to this Court.
5. The learned state counsel for the respondents has contended, by way of preliminary objection, that this Court lacks jurisdiction to entertain the application.

6. In preferring the instant application to this Court, the petitioner has sought to invoke the revisionary jurisdiction of this Court granted to it in terms of Article 138 of the Constitution.

7. Hence, the central question before this Court is whether the petitioner reserves the right to invoke the revisionary jurisdiction of this Court in respect of a judgement of a High Court made in the exercise of its appellate powers vested in under Article 154P (3)(b) of the Constitution.

8. Following the 13th Amendment to the Constitution, Section 5 of the High Court of Provinces (Special Provinces) Act No. 19 of 1990 read together with Article 154P (3)(b) of the Constitution has vested revisionary jurisdiction in the High Court of Provinces.

9. Article 154P (3)(b) and Article 154P (6) of the Constitution provides as follows;

"(3) Every High Court shall –

(b) notwithstanding anything in Article 138 and subject to any law, exercise, appellate and revisionary jurisdiction in respect of convictions, sentences and orders entered or imposed by Magistrates Courts and Primary Courts within the Province;

(6) Subject to the provisions of the Constitution and any law, any person aggrieved by a final order, judgment or sentence of any such Court, in the exercise of its jurisdiction under paragraphs (3) (b) or (3) (c) or (4) may appeal there from to the Court of Appeal in accordance with Article 138."

10. Thereafter, the High Court of the Provinces (Special Provinces) Act No. 19 of 1990 has been enacted to make provisions regarding the procedure to be followed and the right of appeal, applications in revision

to the High Court established under Article 154P of the Constitution and appeals from such Court.

11. Sections 5 and 9 of the High Court of Provinces (Special Provisions) Act No. 19 of 1990 reads as follows;

5. The Provisions of written law applicable to appeals to the Court of Appeal, from convictions, sentences or orders entered or imposed by a Magistrate's Court, and to applications made to the Court of Appeal for revision of any such conviction, sentence or order shall, mutatis mutandis, apply to appeals to the High Court established by Article 154P of the Constitution for a Province, from convictions, sentences or orders entered or imposed by Magistrate's Courts, Primary Courts and Labour Tribunals within that Province and from orders made under section 5 or section 9 of the Agrarian Services Act, No. 58 of 1979, in respect of land situated within that Province and to applications made to such High Court, for revision of any such conviction, sentence or order.

9. Subject to the provisions of this Act or any other law, any person aggrieved by-

(a) a final order, judgment, decree or sentence of a High Court established by Article 154P of the Constitution in the exercise of the appellate jurisdiction vested in it by paragraph (3) (b) of Article 154P of the Constitution or section 3 of this Act or any other law, in any matter or proceeding whether civil or criminal which involves a substantial question of law, may appeal therefrom to the Supreme Court if the High Court grants leave to appeal to the Supreme Court ex mero motu or at the instance of any aggrieved party to such matter or proceedings :

Provided that the Supreme Court may, in its discretion, grant special leave to appeal to the Supreme Court from any final or interlocutory order, judgment, decree or sentence made by such High Court, in the exercise of the appellate jurisdiction vested in it by paragraph (3) (b) of Article 154P of the Constitution or section 3 of this Act, or any other law where such High Court has refused to grant leave to appeal to the Supreme Court, or where in the opinion of the Supreme Court, the case or matter is fit for review by the Supreme Court:

Provided further that the Supreme Court shall grant leave to appeal in every matter or proceeding in which it is satisfied that the question to be decided is of public or general importance; and

(b) a final order, judgment or sentence of a High Court established by Article 154P of the Constitution in the exercise of its jurisdiction conferred on it by paragraph (3) (a), or (4) of Article 154P of the Constitution may appeal therefrom to the Court of Appeal.

12. The Superior Courts of Sri Lanka have repeatedly addressed the relationship between Article 154P of the Constitution and the High Court of the Provinces (Special Provisions) Act, when resolving disputes concerning forum and jurisdiction. In doing so the Courts have considered how constitutional provisions on provincial judicial powers interact with the statutory framework establishing and defining the jurisdiction of the provincial High Courts. The resulting case law clarifies which is the proper forum for particular categories of proceedings and the circumstances in which jurisdiction may be exercised or excluded.

13. In the case of SC/*Appeal*/65/2025 W.T.S. Nilantha Fernando Vs. P.M.S. Nilanthi Perera decided on 15.05.2025, Samayawardhena J, has held,

“In my view, the reasoning in Gunawardane v. Muthukumarana [2020] 3 Sri LR 306 cannot be reconciled with the clear statutory scheme established by Acts Nos. 19 of 1990, 10 of 1996, and 54 of 2006, read in conjunction with Article 138 of the Constitution. The approach adopted by the Supreme Court in Merchant Bank of Sri Lanka Ltd. v. Perera [2012] BLR 14 accords with both the constitutional framework and the legislative intent and, in my respectful view, ought to be preferred. I would further add that the dicta in Merchant Bank of Sri Lanka Ltd. v. Perera applies not only to Provincial High Courts established under Act No. 10 of 1996, but equally to those established under Act No. 19 of 1990, as amended by Act No. 54 of 2006.

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 judgements or orders of the Provincial High Court, whether in 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.”

14. Therefore, it is clear that when a Provincial High Court has exercised its appellate jurisdiction, as provided for by the High Court of the Provinces (Special Provisions) Act. No. 19 of 1990 (as Amended), a party who is dissatisfied with that judgement or order cannot submit an application for revision to this Court, seeking to have it set aside. This is because, the Court of Appeal does not possess the jurisdiction to consider such application.

15. In those circumstances, I dismiss the application without costs.

Application dismissed.

Judge of the Court of Appeal

Dr. Sumudu Premachandra, J.

I agree

Judge of the Court of Appeal