

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

**In the matter of a Revision Application
under and in terms of Article 138 of
the Constitution of the Republic of Sri
Lanka.**

Democratic Socialist Republic of
Sri Lanka

Plaintiff

**C.A. Revision No.
CPA 51/2026**

Vs.

Hight Court of Matale
Case No. HC 120/2011

M/C Case No. B709/2007

1. Raman Jayaram *alias* Kannah
2. Sundaram Mahendran *alias* Sarvana

Accused

AND NOW BETWEEN

Sundaram Mahendran *alias* Sarvana

2nd Accused-Petitioner

Vs,

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

Plaintiff-Respondent

Before: **Amal Ranaraja, J.**

Dr. Sumudu Premachandra, J.

Counsel: D.P.L.A. Kashyapa Perera instructed by Nalin
Jayaweera for the 2nd Accused-Petitioner.

Supported on: 16.09.2026

Order on: 07.10.2026

Order

Amal Ranaraja, J.,

1. This is an application filed by the second accused-petitioner (hereinafter referred to as the 'petitioner') invoking the revisionary jurisdiction granted to this Court in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka. The petitioner has been named an accused, together with another in High Court of *Matale* in Case No. HC/120/2011. The charges in the indictment are as follows;

01. On or around the 20th of August, 2007, within the jurisdiction of this Court, in *Nagalawatte Gammaduwa*, you have caused the death of one *Kumarashami Rengashami*; thereby, you have committed an offence of 'Murder' punishable under Section 296 of the Penal Code.

02. At the same time, place and course of action as the above first charge, you have stabbed and voluntarily caused injury to one *Kumarashami Rengashami*; thereby, you have committed an offence punishable under Section 315 of the Penal Code.

2. At the conclusion of the trial, the petitioner has been convicted of an offence punishable under Section 297 of the Penal Code of Sri Lanka and sentenced as follows;

i. 10 years rigorous imprisonment and also fined a sum of Rs.7500.00 with a term of 6 months simple imprisonment in default.

3. The petitioner, though being aggrieved by the conviction, disputed judgement and the sentencing order has not preferred an appeal to the appropriate forum. However, almost 7 months after the disputed judgement and the sentencing order were pronounced, has preferred the instant application in revision dated June 23rd, 2026, to this Court and prayed that the disputed judgement together with the sentencing order be set aside.

4. The petitioner in his application in revision has failed to explain the delay in a clear and persuasive manner and has only provided the following statement;

“The Petitioner states that upon obtaining proper legal advice and relevant documents, steps were immediately taken to invoke the revisionary jurisdiction of this Honourable Court. And the delay, if any, was neither wilful nor intentional and no prejudice would be caused to the Respondent by entertaining this application”

Vide Paragraph 13(c) of the Petition

5. The timing of a revision application is critical. Courts are generally reluctant to entertain applications that are filed after an excessive delay. The rationale behind this is twofold. Firstly, it ensures the efficiency of the judicial system. Secondly, it upholds the principle of finality. If a petitioner has waited an unreasonable amount of time to seek revision, a Court may reject the application on the ground of delay.
6. The petitioner has filed the present application 7 months after the impugned judgement and the sentencing order were delivered. The petitioner has not provided any satisfactory, or cogent explanation for this prolonged delay. In the absence of a proper explanation, it may be reasonably inferred, that the petitioner has not been diligent in pursuing the application and has effectively been sleeping over his rights. Accordingly, the application is liable to be dismissed on the ground of inordinate and unexplained delay.
7. In the case of *Rajakumar v Hatton National Bank Ltd. (2007) 2 SLR 1*, Sisira de Abrew, J, has held,

“Revision being a discretionary remedy is not available to those who sleep over their rights, I further hold that it is not the function of the Court of Appeal, in the exercise of its revisionary jurisdiction to relieve parties of the consequences of their own folly, negligence and laches”

8. The application is therefore dismissed in the first instance, but I make no order regarding costs.

Application dismissed.

9. The Registrar is directed to send this Order to the High Court of *Matale* for information.

Judge of the Court of Appeal

Dr. Sumudu Premachandra, J.

I agree

Judge of the Court of Appeal