

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

In the matter of an application for Mandates in the nature of *Writs of Certiorari* and *Mandamus* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

C.A. (Writ) Application

No: 0626/2024

Srinayaka Pathiranalage Chaminda Ravi
Jayanath,
Currently at Boosa High Security Prison,
Boosa,
Sri Lanka.

PETITIONER

Vs.

1. Department of Prisons,
Prisons Headquarters,
No. 150, Baseline Road,
Colombo 09.
2. Thushara Upuldeniya,
Commissioner General of Prisons,
Prisons Headquarters,
No. 150, Baseline Road,
Colombo 09.
3. Additional General of Prisons,
Prisons Headquarters,
No. 150, Baseline Road,
Colombo 09.

4. The Commissioner of Prisons,
Prisons Headquarters,
No. 150, Baseline Road,
Colombo 09.
5. Superintendent of Prison,
Boosa High Security Prison,
Boosa.
6. M.U.M. Ali Sabry,
Hon. Minister of Justice,
Prisons Affairs and Constitutional Reforms,
No. 19, Sri Sangaraja Mawatha,
Colombo 01.
7. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

Before : Dhammika Ganepola, J.
Adithya Patabendige, J.

Counsel : Harshana Ananda for the Petitioner.
Suharshie Herath, DSG for the State.

Supported on : 03.03.2026
16.03.2026

Written Submission

Tendered on : 07.04.2026 by the Petitioner.

Decided on : 28.04.2026

Adithya Patabendige, J.

The Petitioner, a convicted prisoner presently serving sentences including a death sentence imposed by the High Court and affirmed by the Supreme Court, has invoked the writ jurisdiction of this Court, challenging the manner in which the prison authorities compute and implement sentences in cases where a sentence of death is imposed together with other terms of imprisonment.

At this stage of supporting this application, this Court is not called upon to determine the merits of the allegations made by the Petitioner. The sole question for consideration is whether the Petitioner has disclosed a *prima facie* case warranting the issuance of formal notices to the Respondents.

The principal contention of the Petitioner appears to be that the interpretation and application of sections 323 and 333 of the Prison Standing Orders by the Respondents have resulted in a situation where a prisoner sentenced to death is not permitted to commence serving other sentences imposed upon him until such death sentence is executed or otherwise varied. It is further contended that such interpretation or practice has the effect of postponing the operation of the other sentences imposed upon the Petitioner.

The Petitioner further contends that the impugned practice is not referable to any valid rule made under the provisions of the Prisons Ordinance, particularly Section 94 thereof, but constitutes an administrative interpretation adopted by the prison authorities which affects the computation and implementation of sentences. The interaction between the sentencing orders made by a court of law and the manner in which such sentences are implemented administratively, as well as the source of legal authority for the impugned practice, raises matters which, in the view of this Court, require examination.

The Petitioner also asserts that although a death sentence has been imposed, such sentences have not been implemented for a considerable period of time, and that in such circumstances the impugned practice results in an indefinite postponement of the commencement of other sentences imposed upon him. Whether such consequences are consistent with the applicable legal framework is a matter that requires consideration upon notice.

It is observed that there appears to be a lapse of time between the conviction of the Petitioner and the institution of this application. However, the grievance as presented relates to the manner in which the sentence of the Petitioner is presently being computed and implemented.

In such circumstances, the question of delay cannot be conclusively determined at this stage and would require fuller consideration upon notice.

In the above circumstances, this Court is of the view that the Petitioner has raised matters which disclose arguable questions of law and fact requiring examination upon notice to the Respondents.

Accordingly, the Registrar of this Court is directed to issue a formal notice to the Respondents.

It is made clear that the observations contained herein are confined solely to the purpose of issuing notice and shall not be construed as expressing any opinion on the merits of this application.

JUDGE OF THE COURT OF APPEAL

Dhammika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL