

**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 of
the Code of Criminal Procedure
Act No. 15 of 1979.

CA Revision Application No. CA

(PHC) APN NO.

HC Chillaw Case No: 12/2018

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

Complainant.

Vs.

1. Manori Prasangika
Wickramaarachchi,
No.55, Little Rome, Madukatuwa,
Marawila.

Accused.

AND NOW

Manori Prasangika
Wickramaarachchi,

No.55, Little Rome, Madukatuwa,
Marawila.

Accused Petitioner

Vs.

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

Complainant Respondent.

Before – Menaka Wijesundera J.

Neil Iddawala J.

Counsel – Anil Silva, PC with

Isuru

Jayawardena for the

Petitioner.Chathurangi

Mahawaduge, SC for the state.

Supported On – 08/02/2021

Decided On – 16/02/2021

MENAKA WIJESUDERA J.

The instant application was supported before us to revise the order of the Learned High Court Judge of Chilaw on the refusal to allow the defense to send the document marked P1 by the prosecution for examination by the Examiner of Questioned Documents.

The position of the petitioner is that the prosecution has charged the petitioner under section 389 of the Penal Code and the prosecution has marked a document marked as P1 which is supposed to have been drafted by the petitioner. The position of the prosecution is that the said document contains 13 paragraphs whereas the position of the defense is that the document the petitioner prepared contains only 11 paragraphs and the 12th and the 13th paragraphs have been introduced by the complainant to implicate the petitioner.

As such the petitioner has made an application to send the alleged document to the Examiner of Questioned Documents in order to ascertain the truth. But the Learned High Court Judge has refused on the basis that the application should have been made at the time the complainant was being cross examined. The petitioner concedes that there was a delay on the part of the petitioner; nevertheless the instant application is made in the interest of justice.

Upon considering the submissions made by both parties this court decides to issue notices on the respondents.

Judge of the Court of Appeal

Neil Iddawala J.

I Agree.

Judge of the Court of Appeal