

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

In the matter of an application under Article 145
of the Constitution of the Republic

Officer-In-Charge,
Frauds Bureau,
Unit 05, Alvitigala Mawatha,
Colombo 05.

COMPALINANT

Court of Appeal Application
No: **CA/PHC/APN.161/2019**

Vs.

High Court Colombo
No: **HCMCA 72/18**

Badurus Saman Mohamadu Rizvi,
No. 123, Wiruthodei,
Madurankuliya.

Magistrate Court Mount
Lavinia Case No: **71909**

Accused

AND NOW BETWEEN

Badurus Saman Mahamadu Rizvi,
No: 123, Wiruthodei,
Madurankuliya.

And presently at:

No. 167/26, Governors' Park,
Hekitta,
Wattala.

ACCUSED-PETITIONER

-Vs-

1. Officer in Charge,
Frauds Bureau,
Colombo 06.

COMPLAINANT-RESPONDENT

2. Ruby Sebamalei,
No. 532/3//2, 2nd Lane
Kuruduwaiththa,
Wattala.
3. Hon. The Attorney General,
Attorneys Department,
Colombo 12.

RESPONDENTS

Before : **Hon. Justice K. K. Wickremasinghe**
Hon. Justice K. Priyantha Fernando

Counsel : Hussain Ahamed with Punsara Rathnayaka for the
Petitioner
K. Raveendran for the Complainant-Respondent.
C.J. Mahawedage, SC for the A.G.

Supported and

Decided on : 13.02.2020

Hon. Justice K.K. Wickremasinghe

Counsel informs Court that they are before this bench against the order of the learned
Magistrate.

The learned High Court Judge has not made any order with regard to the Magistrate's Court case and there is no order to canvass before this Court. Now the learned counsel concedes the fact, that there is no order made by the learned High Court Judge.

Therefore, counsel for the Appellant is withdrawing the Application.

Accordingly, Application is hereby dismissed without costs.

JUDGE OF THE COURT OF APPEAL

Hon. Justice K.Priyantha Fernando

I agree.

JUDGE OF THE COURT OF APPEAL

Tns/