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

In the matter of an Appeal under Article 154P and 138 of the Constitution read with the High Court of the Provinces (Special Provisions) Act No. 19 of 1990 and the relevant law

Court of Appeal Case No :
CA (PHC) 103/2016
Provincial High Court
Application No. : Panadura Rev.
77/2016
Magistrate's Court (Panadura)
Case No. : 42805

W. D. D. Karunarathne

No. 1, MDG Pura

Pelawatta,

Battaramulla

Aggrieved Party- Petitioner- Appellant

Vs.

1. Officer – in- Charge,

   Police Station,

   Bandaragama

   Complainant- Respondent- Respondent

2. H. A. Sachinthya Perera,

3. A.D.S. Sameera,

   Both of

   No. 226/1,

   Bolabotuwa,

   Bandaragama

   Accused- Respondents- Respondents

4. Hon. Attorney General

   Attorney General's Department

   Colombo 12.

   Respondents

BEFORE : Hon. Justice K. K. Wickremasinghe

Hon. Justice Devika Abeyratne

COUNSEL : C. Fernando for the Appellant.

Chathura Amarathunga for the 2nd Accused- Respondent.

Chathurangi Mahawaduge, SC for the Hon. A.G.

DECIDED ON : 10.09.2020

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Hon. Justice K. K. Wickremasinghe

This is a case where the Petitioner has not obtained sanction of the Attorney-General. Therefore, in view of the case No CA/PHC/06/2014 both parties agree to send this case back to the High Court.

Considering Submissions of both Parties it is apparent that the Petitioner has not obtained written sanction of the Hon. Attorney-General when filing of this Revision Application. In view of case No CA/PHC/06/2014, both Parties agree to send back this case to High Court of Panadura to hear the case afresh on merits.

Accordingly, we set aside the order of the learned High Court Judge dated 21.09.2016 and the case is sent back to the High Court of Panadura for a fresh hearing and determine on merits.

Registrar is directed to send copies of the order to the learned High Court Judge and Magistrate's Court.

Revision application is allowed.

JUDGE OF THE COURT OF APPEAL

Hon. Justice Devika Abeyratne

I agree.

JUDGE OF THE COURT OF APPEAL

YD/-