

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA.

In the matter of an application for
revision under Article 138 of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.

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

Complainant

Court of Appeal Case No:

CA (PHC) APN 76 /2022

High Court of Colombo Case No:

HC / 624 / 2019

Magistrate's Court of Maligakanda

Case No: **B 6098/17**

Vs.

1. Mohomad Anwar Mohomad
Ziyam

2. Nawasdeen Mohomad Zakir

3. Rathnayaka Mudiyansele
Achala Kumari

4. Wickramasinghe Arachchilage
Don Amarasiri alias Japan Chuti.

Accused

AND NOW BETWEEN

Nawasdeen Mohomad Zakir

2nd Accused – Petitioner

Vs.

Hon. Attorney General

Attorneys General

Colombo 12.

Complainant – Respondent

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Sarath Koonghage PC with Champika Monarawila for the Petitioner.

Argued on: 06.09.2022

Decided on: 14.09.2022

MENAKA WIJESUNDERA J.

The instant application has been filled to revise the order dated 03.02.2022.

The petitioner in the instant matter has been indicted before the High Court under the provisions of the Poisons Opium and Dangerous Drugs Ordinance. The trial has commenced on 13.09.2020 and PW1 has been led. Thereafter, the petitioner alleges the trial had not been heard, and he refers to certain infirmities in the evidence led so far, and he says that he has been in remand since his arrest on 15.03.2017 which amounts to five years and four months. Therefore, he prays notices on the respondents to review the impugned Order of the High Court mentioned above. Considering the submissions of the counsel for the petitioner, this court decides to issue notices on the respondents.

Judge of the Court of Appeal.

I agree.

Neil Iddawala J.

Judge of the Court of Appeal.