

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

In the matter of an application for revision  
in terms of the Article 138 of the  
Constitution of the Democratic Socialist  
Republic of Sri Lanka, reading with  
Section 16(3) of the Judicature Act No.02  
of 1978.

**CA/CPA/126/2022**

HC of Colombo Case No.: HC/3748/2007

Attorney General,  
Attorney General's Department, Colombo  
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**Complainant**

**Vs**

01.) Rathnayaka Mudayanselage  
Nishanka Jayasinghe

02.) Appuralalage Chaminda  
Dilruksha Roopasinghe

03.) Nalaka Liyanagama

04.) Rajaguru Mudayanselage Indika

Roshan Jayasinghe

05:) Usgoda Arachchilage

Chandrasoma Deshapriya

06.) Amudamana Arachchige Saman

07.) Jayakodi Arachchige Wasantha

Chandrakumara

08.) Moonadeniya Manage Saman

Shantha Prasad

09.) Madagoda Arachchige Indika

Kumara Gunaratna

10.) Kulasekara Mudayanselage

Chaminda Kulasekara

11.) Hewahettige Suminda

12.) Hetti Pathirannahalage Dinesh

Susantha Dharmapriya

13.) Gammampila Imiyage Don Hemal

Lanka Priyadharshana Gammampila

14.) Karasinghe Arachchige Ruwan  
Lasantha Deshapriya

15.) Liyanaralalage Namal Jagath  
Bandara Seneviratne

16.) Ranmohottige Dinesh Dharmapriya  
Amarasooriya

17.) Jayalath Pedige Suranga Nalin  
Dilruksha

18.) Horathal Pedige Nalaka Mihira  
Bandara Wijeratne

19.) Saluwadana Nilamelage Gamini  
Seneviratne

20.) Amarasinghe Kankanamlage  
Vijitha Kumara

21.) Nissanka Arachchi  
Appuhamilage Rasika Nilanga

22.) Liyanaarachchi                    Kankanamlage  
Chandika Prasad Liyanaarachchi

**Accused**

**AND NOW BETWEEN**

Wimala Perera  
No: 7/83, Kapuwatta Road,  
Gangodawila, Nugegoda

**Aggrieved Party-Petitioner**

**Vs.**

01.) Rathnayaka Mudayanselage  
Nisshanka Jayasinghe (01)  
  
02.) Appuralalage Chaminda  
Dilruksha Roopasinghe(02)

06.) Amudamana Arachchige Saman  
(Currently serving the sentence at the  
Prison)

16.) Ranmohottige Dinesh  
Dharmapriya Amarasooriya

17.) Jayalath Pedige Suranga Nalin  
Dilruksha  
(Currently serving the sentence at the  
Prison)

22.) Liyanaarachchi Kankanamlage  
Chandika Prasad Liyanaarachchi

**Accused Respondents**

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

**Complainant Respondent**

**Before :**      **B. Sasi Mahendran, J.**  
                        **Amal Ranaraja, J**

**Counsel:** Amila Palliyage with Sandeepani Wijesooriya, S. Udugampola, Lakshitha Wakishta Arachchi and Subaj De Silva for the Aggrieved Party Petitioner  
Anil Silva, PC with Anjana Abeyratne for the Accused-Respondent  
  
Wasantha Perera, DSG for the Complainant- Respondent

**Argued On :**      04.09.2025

**Judgment On:**      29.10.2025

## **JUDGMENT**

**B. Sasi Mahendran, J.**

The Aggrieved Party Petitioner filed this revision application on 14.10.2022, prayed for the following relief in the said petition.

- a) Issue notice on the Respondents.
- b) Revise and/ or set aside the order of the learned High Court judges' order of sentencing dated 2022.05.05
- c) Order appropriate sentences on the Accused Respondents depending upon the aggravating circumstances of this case.
- d) Grant Costs
- e) Order the Accused Respondents to pay a reasonable compensation to the aggrieved party
- f) Grant such other and further relief that Your Lordship's Court shall seem meet.

It is observed that the application seeking to invoke the Court's revisionary jurisdiction was made on 14.10.2022 . It is a well-established principle that a party seeking revision must do so without undue delay. In the present matter, the delay remains unexplained. Our Courts have consistently held that such inordinate and unjustified delay constitutes a bar to the exercise of revisionary powers under Section 364 of the Criminal Procedure Code.

This concept was considered by Justice Kulathilaka, J. in **Rajapakse v. The State, 2001 (2) SLR 161** held that;

"The learned counsel for the accused-appellant also submitted that if this Court were to hold that the petition of appeal is out of time it would not preclude him from inviting this Court to exercise the revisionary powers in terms of Section 364 of the Code of Criminal Procedure Act. We agree that the powers of revision of the Court of Appeal are wide enough to embrace a case where an appeal lay was not taken. However, an application in revision should not be entertained save in exceptional circumstances.

Further held that;

In addition, if this Court were to act in revision, the party must come before the Court without unreasonable delay. In the instant case, there is a delay of 13 months. In this regard, vide Justice Ismail's judgment in *Camillus Ignatious vs. OIC of Uhana Police Stations* (Application in revision), where His Lordship was of the view that a mere delay of 4 months in filing a revision application was fatal to the prosecution of the revision application before the Court of Appeal."

In *Camillus Ignatious vs. OIC of Uhana Police Stations CA 907/89 M.C. Ampara 2587* (Application in revision) where His Lordship was of the view that a mere delay of 4 months in filing revision application was fatal to the prosecution of the revision application before the Court of Appeal. Accused's contumacious conduct and unreasonable delay would necessarily preclude him from inviting this Court to act in revision in terms of Section 364 of the Code of Criminal Procedure Act."

His Lordship further added- "These matters must be considered in limine before the Court decides to hear the accused-petitioner on the merits of his application. Before he could pass the gateway to relief his aforesaid contumacious conduct and his unreasonable and undue delay in filing the application must be considered and determination made upon those matters before he is heard on the merits of the application.

In the instance case petitioner has failed to explain the reason for the delay.

Therefore, with the above judicial pronouncement, we dismissed the application without issuing notice to the Respondents.

**JUDGE OF THE COURT OF APPEAL**

**Amal Ranaraja, J.**

**I AGREE.**

**JUDGE OF THE COURT OF APPEAL**