

1974 *Present: Tittawella, J., and Walpita, J.*

DHARMASENA DE SILVA, Accused-Petitioner and THE
DIRECTOR OF PUBLIC PROSECUTIONS, Respondent

S. C. Application 546/1974 .

*Bail—Order by Coroner at inquest remanding accused—No reasons
given—Administration of Justice Law, Section 75 (2).*

Section 75 (2) of the Administration of Justice Law states—
When a suspect is sent before a Magistrate he may if he is
satisfied that there are grounds for believing that the information

against the suspect is well founded then for reasons recorded by him detain the suspect in custody pending further investigation for a period of fifteen days.”

Where no grounds were stated by the Coroner at the inquest for remanding the suspect who was alleged to have knocked down and killed a child, except to say that the Police had made an application.

Held: That the order was bad because section 75 (2) of the Administration of Justice Law makes it imperative that the reasons for the remand should always be made a matter of record.

Application for bail.

Daya Perera with *Lalith Jayawickreme* for the Accused—
Petitioner.

Ian Wikramanayake, Director of Public Prosecutions, with
Jayaweera Bandara, State Counsel, for the State.

Argued and decided on : 31st May 1974.

Reasons delivered on : 23rd September 1974.

TITTAWELLA, J.

The petitioner in this application is alleged to have, whilst driving a motor vehicle on 23.5.74, knocked down and killed a child. On the same day the petitioner was produced before the City Coroner who proceeded to hold an inquest. The only evidence led on this occasion related to the identity of deceased. Thereafter on an application made by the police the petitioner was remanded till 28.5.74, to which day the inquest was postponed.

The Director of Public Prosecutions who appeared on notice stated that the City Coroner is an inquirer under section 68 (1) of the Administration of Justice Law No. 44 of 1973, and that he is also a Justice of the Peace and an Unofficial Magistrate under section 37 (2) of the said Law.

Under section 75 (2) of the Law when a suspect is sent before a Magistrate he may :—

if he is satisfied that there are grounds for believing that the information against the suspect is well founded then for reasons recorded by him detain the suspect in custody pending further investigations for a period of fifteen days.

We have perused the record of the Coroner's proceedings. No grounds have been stated by the Coroner for remanding the suspect except to say that the police have made such an application. Applications for the remand of suspects should not be lightly made. In any event when such an application is made section 75 (2) of the Law makes it imperative that the reasons for the remand should always be made a matter of record. The Director of Public Prosecutions does not support the order. In these circumstances there is no other course available except to release the petitioner on bail. This we have already done.

WALPITA J. I agree.

Application allowed.