

1965

Present : Sri Skanda Rajah, J.

THE QUEEN *v.* W. FRANCES*For an order of Court in M. C. Colombo South, 30507/B**Appeal—Loss of record of case—Resulting position.*

While the appeal preferred by an accused who was convicted was pending, the record of the case was lost.

*Held*, that, in the circumstances, the proceedings should be quashed with liberty to the complainant to bring a fresh charge.

**A**PPPEAL from a judgment of the Magistrate's Court, Colombo South.

*U. C. B. Ratnayake*, Crown Counsel, for the Attorney-General.

April 9, 1965. SRI SKANDA RAJAH, J.—

In this case it would appear that after the accused was convicted, he appealed. Since then the record is said to have been lost. In these circumstances, I would follow the case *In the matter of an application in respect of the loss of record in P. C. Panadure case No. 14,141*, 7 Times of Ceylon Law Reports, page 43 and quash the previous proceedings with liberty to the complainant to bring a fresh charge.

*Proceedings quashed.*