

1972

*Present : Deheragoda, J.*

S. SARAVANAI, Petitioner, *and* OFFICER-IN-CHARGE,  
POLICE STATION, FORT, Respondent

*S. C. 228/72—Application for a Writ of Mandamus*

*Criminal Procedure Code—Section 122A(1)—Complaint made by a police officer concerning a cognizable offence—Right of accused to apply for a certified copy of it—Mandamus.*

Even if the first complaint concerning the commission of a cognizable offence has been made by a police officer who detected the offence, the accused person is entitled to apply under section 122A(1) of the Criminal Procedure Code for a certified copy of the police officer's statement.

<sup>1</sup> (1982) 54 N. L. R. 225.

<sup>2</sup> (1960) 63 N. L. R. 188.

<sup>3</sup> (1963) 64 N. L. R. 529.

<sup>4</sup> (1967) 73 C. L. W. 41 ; 74 N. L. R. 25.

**A**PPPLICATION for a writ of *mandamus*.

*C. Siva Cumaran*, for the petitioner.

Respondent absent and unrepresented.

June 2, 1972. DEHERAGODA, J.—

This is an application by the petitioner for a writ of *mandamus* under section 42 of the Courts Ordinance against the Officer-in-Charge, Police Station, Fort, Colombo. Notice has been served on the respondent but he is not present.

Learned counsel for the petitioner states that the petitioner is the accused in case No. 48413 of the Joint Magistrate's Court, Colombo, and that proceedings have been instituted against him for an offence under Section 157 of the Penal Code. The petitioner has on 26.3.72 applied for a certified copy of the first complaint and it has been refused by the respondent on the ground that the petitioner is "not entitled to the first complaint as there is no first complaint".

Learned counsel for the petitioner says that judging from the very nature of the offence the first information would have been given by a police officer. He cites Section 122A(1) of the Criminal Procedure Code and the case of *Panditaratne v. Assistant Superintendent of Police, Kegalle*<sup>1</sup> according to which decision even if the first complaint has been made by a police officer the petitioner is entitled to a certified copy of it.

I therefore direct the respondent to furnish a certified copy of the first complaint made in relation to this case even though it might have been a statement made by the police officer who detected the offence.

*Application allowed.*

