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

In the matter of an Application for Leave to Appeal in terms of section 15 of the Judicature Act No. 15 of 1979 read with section 331 of the Criminal Procedure Act No.15 of 1979 and section 68 (1) of the Anti-Corruption Act No.9 of 2023.

The Director General,
Commission to Investigate Allegations of Bribery or Corruption,
No.36,
Malalasekara Mawatha,
Colombo 07.

Complainant

Court of Appeal Case No.:
CA/LTA/15/2024

Vs.

High Court of Colombo Case No.:
HCB/89/2021

1. Hewa Walandanage Prasad Kumara,
   Wawalagedara,
   Galkongoda,
   Urugomuwa,
   Dickwella.

2. Uyangoda Mannage Lalith,
   Wihara Mawatha,
   Weherahena,
   Matara.

Accused

AND NOW BETWEEN

The Director General,
Commission to Investigate Allegations of Bribery or Corruption,
No.36,
Malalasekara Mawatha,
Colombo 07.

Complainant- Appellant

Vs.

1.Hewa Walandanage Prasad Kumara,
Wawalagedara,
Galkongoda,
Urugomuwa,
Dikwella.

2. Uyangoda Mannage Lalith,
Wihara Mawatha,
Weherahena,
Matara.

Accused-Respondent

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

Counsel: Jayanth Ranathunga, ADL (CIABOC) for the Complainant-Appellant.

Supported on: 02.06.2025

Decided on: 27.06.2025

ORDER

AMAL RANARAJA, J.

1. The *Director-General* of *the Commission to Investigate Allegations of Bribery or Corruption* has on the direction of the *Commission* forwarded an indictment to the *High Court of Colombo* in High Court case no. HCB/0089/2021 and has named the accused-respondents as the "accused" in that case. The accused-respondents have been charged of committing offences punishable under sections 16 (b) and 19(c) of the Bribery Act No. 11 of 1954 (as amended).

2. Upon receipt of the indictment, the Learned High Court Judge has caused the accused-respondents to be brought before such Court thereafter the charges in the indictment have been read and explained to them. The accused-respondents have pleaded not guilty to the charges. As the accused-respondents had pleaded not guilty to the charges, the Learned High Court Judge has proceeded to try the accused-respondents.

3. At the conclusion of the trial, the Learned High Court Judge has found the accused-respondents not guilty of the charges in the indictment and acquitted them.

4. The *Director-General* of the *Commission to Investigate Allegations of Bribery or Corruption* being aggrieved by the acquittal has preferred to this Court the instant application seeking leave to file a petition of appeal disputing the judgment in the *Colombo High Court* case no. HCB/0089/2021.

5. The Learned High Court Judge has meticulously evaluated the evidence presented by the witnesses in support of the complainant i.e. the *Director-General* of the *Commission to Investigate Allegations of Bribery or Corruption.* After thorough consideration, the Learned High Court Judge has concluded that the discrepancies in their testimonies were of a material nature and significantly impacted the case's overall merits. As a result of this assessment, the Learned High Court Judge has proceeded to acquit the accused-respondents.

6. The actions taken by the Learned High Court Judge are firmly ground in legal principles and are consistent with the requirement of a fair trial. In legal proceedings, it is essential that the judgment is not only based on quantity of evidence but, more importantly on its quality and reliability.

7. The assertion that the discrepancies were material indicates that they were not mere trivial inconsistencies, rather, they carry significant weight in determining the truthfulness of the

testimonies. This concern for integrity of the evidence highlights the importance of credibility in legal adjudication.

8. In reaching the disputed judgment, the Learned High Court Judge has acted within the confines of the law, respecting the rights of the parties involved and assuring that justice is served.

9. The disputed judgment is not perverse.

Due to the preceding reasons above, I am not inclined to issue formal notice on the accused-respondents. I dismiss the instant application for leave to appeal.

I make no order regarding cost.

Leave refused.

Judge of the Court of Appeal

B. SASI MAHENDRAN, J.

I agree,

Judge of the Court of Appeal