

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

**In the matter of an application for  
revision in terms of Article 138 of the  
Constitution of the Democratic Socialist  
Republic of Sri Lanka.**

Suhada Gamalath,  
Secretary to the Ministry of Justice and Law  
Reform  
Superior Courts Complex,  
Colombo 12.  
**Petitioner-Petitioner**

**C. A. Revision**

**Application No: CA (PHC)APN 03/10**

**HC Application No: HCWA 1/2009**

**Vs**

Kristina Ivasauskaite-Rosario  
90, Avenue De Saint Ouen  
75018 Paris  
France.

**1<sup>st</sup> Respondent – Respondent**

Prajith Rosario  
539/A/1, Eldeniya,  
Kadawatha

**2<sup>nd</sup> Respondent - Respondent**



**CA (PHC) APN 03/2010****HC/WA 01/2009**

**Before** : W.L.R. Silva J.  
H.N.J. Perera J.

**Counsel** : Palinda Ranasinghe DSG for the Petitioner.  
Shanaka Ranasinghe with Ranil Samarasuriya for the  
Respondent-Respondent.

**Decided on** : 20.06.2012.

**W.L.R. Silva J.**

At this stage Mr. Shanaka Ranasinghe who appears for the Accused-Appellant states that the circumstances have now changed and the respondent only son who was taken away to France by the mother of the child that is the wife of the respondent is missing and therefore he has to go to France to locate the child risking his life and liberty. In this case the respondent is charged for contempt of court for not reading the notice sent by court to produce the child in court. But soon thereafter on the next occasion he had produced the child in court. At this stage the child was handed-over to the custody of the mother and he is not informed as to the whereabouts of the child and he doesn't even know its very existence. We are mindful of the fact that a father might risk his own life to protect his children. Although the respondent has committed contempt in our opinion he should be pardoned.

Therefore, we severely warn the respondent and acquit and discharge him.

JUDGE OF THE COURT OF APPEAL.

**H.N.J. Perera J.**

I agree,

JUDGE OF THE COURT OF APPEAL.

Mm/-.