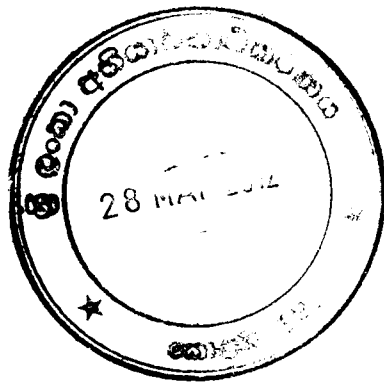


IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA



In the matter of an Application for Special Leave to Appeal against the Judgment of the Court of Appeal dated 16/12/2011 under and in terms of Article 128(2) of the Constitution.

SC/SPL/LA Case No: 11/2012
CA/WRIT/679/2010

Gardihewa Sarath Chandralal Fonseka
No. 461/7, Pubudu Pedesa,
Weli Road,
Thalawathugoda

(Presently being incarcerated at the
Welikada Prison)

PETITIONER-PETITIONER

VS.

SC/SPL/LA Case No: 11/2012

1. Lieutenant General Jagath Jayasuriya
Army Commander
Sri Lanka Army Headquarters
Colombo 01.
2. Major General M.P. Peiris
Sri Lanka Army Headquarters
Colombo 01.
3. Major General S.W.L. Daulagala
Sri Lanka Army Headquarters
Colombo 01.
4. Major General M. Hathursinghe
Sri Lanka Army Headquarters
Colombo 01.
5. Rear Admiral W.J.S. Fernando
Deputy Solicitor General
Attorney General's Department
Colombo 12.
6. Hon. The Attorney General
Attorney General's Department
Colombo 12.

RESPONDENTS-RESPONDENTS

SC/SPL/LA Case No: 11/2012

BEFORE : **DR. BANDARANAYAKE, CJ**
AMARATUNGA, J
SRIPAVAN, J
IMAM, J
DEP, PC, J

COUNSEL : Romesh de Silva, PC., with Sugath Caldera,
Shanaka Cooray, Manjula Fernandopulle, Eraj
de Silva, Kelum Ubeysekera, Namal Rajapakse
U.L.M. Bandara, Chatura Amaratunga and
Chatura Galhena for the Petitioner-Petitioner.

Bimba Tilakaratne, PC., ASG., with N. Pulle,
SSC., for the 1st, 5th & 6th Respondents.

S.L. Gunasekera for the 2nd & 3rd Respondents.

Sanjeeva Jayawardene for the 4th Respondent.

ARGUED &
DECIDED ON : 21.05.2012.

SC/SPL/LA Case No: 11/2012

DR. BANDARANAYAKE, CJ

This matter comes up today by way of a motion filed by the learned President's Counsel for the Petitioner. By that motion, the learned President's Counsel for the Petitioner has informed this Court that His Excellency the President had made order in terms of Article 34 of the Constitution, which means that the Petitioner would not serve the sentence imposed on him.

The learned President's Counsel therefore moves that in the circumstances of the aforementioned that these proceedings before this Court be terminated. Learned Additional Solicitor General for the 1st, 5th and 6th Respondents informs Court that she has no objection.

In the aforementioned circumstances, these proceedings are terminated.

The Registrar of the Supreme Court is directed to send copies of today's proceedings to the Secretary, Ministry of Justice.

Chief Justice

SC/SPL/LA Case No: 11/2012

AMARATUNGA, J.

I agree.

Judge of the Supreme Court

SRIPAVAN, J.

I agree.

Judge of the Supreme Court

IMAM, J.

I agree.

Judge of the Supreme Court

DEP, PC., J.

I agree.

Judge of the Supreme Court

Mks/-