

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

CA PHC 67/2005

PHC Kandy 169/2003

01. P.M Indrani Gunawardana
02. G.G.P Jain Perera

All Are

1A,
Sirimalwatta,
Thunnapatha.

Petitioners

Vs.

01. Office in-charge
Police Station,
Wattegama.
02. Hon.Attorney General,
Attorney General's Department,
Colombo 12.

Respondents

C.A. (PHC) 67/2005 : PHC Kandy Case No.
169/2003

Before : Sisira de Abrew,J. &
K.T. Chitrasiri,J.

Counsel : Appellants are absent and unrepresented
Mrs. S. Thiranagama, ASA for the 3rd
respondent.

Decided on: 03.10.2012

Sisira de Abrew,J.

This Court directed the appellants to pay brief fees on or before 02.10.2012. The Registrar of this Court, in compliance with the said order, by his letter dated 28.08.2012, directed the appellants to pay brief fees on or before 02.10.2012 and to be present in this Court on 03.10.2012 (today). We note that the said letters have been sent to the addresses given by the appellants in their Petition of Appeal. The letter sent to the 2nd appellant, G.G.P. Jane Perera has been returned by the relevant Post Office with an endorsement that the 2nd appellant is dead. The letter sent to the 1st appellant, P.M. Indrani Gunawardena has not been returned by the relevant

Post Office. The 1st appellant has failed to respond to the notice sent by this Court. He has, so far, not paid brief fees.

In this case, the appellants who were convicted by the learned Magistrate have appealed to the High Court. Learned High Court Judge has dismissed this appeal. Being dissatisfied with the learned High Court Judge's Judgment, the appellants have appealed to this Court. In terms of the Judgment in Wickramasekera Vs. The O.I.C., Ampara reported in 2004 (1) SLR page 257, this Court has no jurisdiction to hear and conclude this case. Considering all these matters, we dismiss the appeal.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

K.T. Chitrasiri,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-