

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

CA PHC APN 14/2012
HC Colombo 5347/10

Arulamdi Kumaladevi
21/02,
Galapatha Street,
Colombo 13.

Petitioner

Vs

Hon. Attorney General
Attorney General's Department
Colombo 12

Respondent

C.A. (PHC) APN No. 14/2012

H.C. Colombo Case No. 5347/10

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

**Counsel : Suranga Bandara for the Petitioner.
Anoopa de Silva, S.C., for A.g.**

**Argued &
Decided on : 16.07.2012.**

Sisira de Abrew, J.

Heard both Counsel in support of their respective cases. Learned Counsel for the petitioner makes an application to release the accused on bail. Accused has been indicted under the Emergency Regulations. Counsel submits ^{that} Court has no power to release the suspect who is on remand in terms of the regulations made by His Excellency the President which is published in government gazette No. 1721/4 dated 29.08.2011 after the Emergency Regulations were lifted.

Counsel submits that the said regulation made by His Excellency the President is invalid, in view of the judgment delivered by the Supreme Court in Thaverneethan Vs Dayananda Dissanayake

Commissioner of Elections 2003 1 SLR page 74. We note that the said judgment has been delivered on 25.03.2003 and the Regulation made by the President has been made on 29.08.2011. We therefore note that the Supreme Court did not have an opportunity of considering the regulation made by the President in the said judgment as the gazette was published long after the said judgment reported in 2003 1 SLR page 74.

Further we note that in the petition filed by the petitioner in this court, he has not asked to make an order invalidating the regulation made by His Excellency the President. When we consider all these matters we hold that there is no merit in this application. In these circumstances we dismiss the petition. Petition is dismissed.

JUDGE OF THE COURT OF APPEAL

K.T. Chitrasiri, J.

I agree.

JUDGE OF THE COURT OF APPEAL

AKN