

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

CA Writ No. **663 / 2011**

Ranhamige Somawathie.
Ahatuwagama,
Ambagahawewa.

Petitioner

Vs.

1. Superintendent of Prison,
Department of Prison,
Anuradapura.
2. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
3. Hon. Lakmali Hewawasam,
District Judge,
District Court,
Anuradhapura.

Respondents

T. M. Sarath Bandara.
(Presently at the Anuradhapura Prison)
Accused

C.A. 663/2011

Writ Application

Before : S. Sriskandarajah, J. (P/CA)

Counsel : Mrs. Kumudu Wijesooriya for the
Petitioner.

A.H.M.D. Nawas DSG. For the
Respondent.

Argued &
Decided on : 10.09.2012

S. Sriskandarajah, J. (P/CA)

This is an application for a writ of certiorari to quash the finding of the District Judge of Anuradhapura dated 13.07.2011. Learned Counsel for the Petitioner submitted that the District Judge has no jurisdiction to hear and impose punishments. The authority to hear this issue and to determine is vested with the Magistrate of Anuradhapura. It appears from the proceedings that the petitioner has not

raised any objection before the learned District Judge when this matter was taken up before the learned District Judge and as it is an issue fundamentally arising from the jurisdiction of Court and objection an jurisdiction has to be taken up at the first instance. As an objection was not taken before the learned District Judge the petitioner is now estopped from object^{ing} to jurisdiction and as pointed out by the learned D.S.G. that District Judge has also in certain situations or in certain Courts exercised^s magisterial functions. This Court at this stage cannot go into the question of jurisdiction and therefore this Court dismisses this application without costs.

President of the Court of Appeal

Jmr/-