

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

CA (PHC) APN: 99/2012

High Court Colombo Case No: HCBA 819/11

Ratnaweera Patabendige Thanuja Deepani
No.1026/E/28/1,
Wedikanda Road
Hunupitiya.

PETITIONER- PETITIONER

Vs.

1. Officer in Charge
Police station
Thalangama.
2. Officer in Charge
CID
Colombo 01.
3. The Hon. Attorney General
Attorney General's Department
Colombo 12.

RESPONDENTS

Palaniyandi Rajendran
5th Accused

Before : **Rohini Marasinghe, J &
Deepali Wijesundera, J.**

Counsel : Kumudu Wijesooriya appears for the Petitioner.
Anoop De Silva SC for Respondent.

Decided on : 14.02.2013.

Rohini Marasinghe, J.

Counsel for the Petitioner submits that the accused in this case had been taken into custody on 18.04.2010 on allegation of robbery. However the basis of the application of the Counsel for the Petitioner is that this suspect had been on remand for more than 3 years without any charge or trial. Contrary to these submissions Counsel for the State submits that this accused has several pending cases for offences of similar nature and the present case involves robbery of Rs. 71 lakhs. Counsel for the State further submits that the suspect has been identified at the parade. Most importantly no person should be kept on remand for such a long period of time without being charged. If the investigation had not been completed the State must take steps to have the suspect released until there is sufficient material to charge the suspect. No person cannot be

kept on remand if investigations are not completed which means there is no evidence against this suspect up to now. Therefore, we reject the submissions of the Counsel for the State and direct the accused to be released on Rs. 50,000/- cash bail, in addition two responsible government servants as sureties. We direct the Magistrate of Kaduwela to release this suspect on bail on the aforesaid direction.

JUDGE OF THE COURT OF APPEAL.

Deepali Wijesundera, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.