

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

C.A.Habeas Corpus (Writ) Application No. 05/12

S. Iresha Nilmini
No.47/F/33,
Summitpura,
Mattakkuliya,
Colombo 15.

PETIONER

Vs.

Deputy Inspector General of Police
Criminal Investigation Department,
Secretariat Building,
Colombo 01.

And 06 Others

RESPONDENTS

C.A.(HCA) No. 05/2012

BEFORE : SISIRA DE ABREW, J. &
P.W.D.C. JAYATHILAKA, J.
COUNSEL : Amila Palliyage for the petitioner.
Shavindra Fernando DSG for the respondent.

ARGUED AND

DECIDED ON : 14th February, 2013

SISIRA DE ABREW, J.

Heard both Counsel in support of their respective cases.

This is a Habeas Corpus Application filed by the petitioner moving this Court to direct the respondent to produce the corpus in Court.

The petitioner in this case alleges that some people on 29.10.2011 around 11.30 a.m. came and arrested her husband from the house of her mother-in-law. At the time of the arrest, those who arrested her husband has claimed that they were from the Criminal Investigation Department. The petitioner has, at this time, seen four persons in army

uniform had surrounded the house of the mother-in-law of the petitioner. The respondents have however denied the arrest of the corpus. Considering all these matters, we decide to direct the Magistrate to hold an inquiry into this matter. We direct the Magistrate of Colombo to hold an inquiry on this matter. Registrar of this Court is directed to send a certified copy of the entire case record to the Magistrate's Court. Petitioner is directed to move this Court by way of a motion after the inquiry is concluded by the Magistrate.

JUDGE OF THE COURT OF APPEAL

P.W.D.C. JAYATHILAKA, J.

I agree.

JUDGE OF THE COURT OF APEPAL

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