

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

C.A.Habeas Corpus (Writ) Application No. 06/12

Pettagamage Anusha Indika
No. 47 /E/2,
Summitpura,
Mattakkuliya.

PETIONER

Vs.

Officer-in-Charge
Colombo Crimes Division,
Dematagoda.

And 04 Others

RESPONDENTS

C.A.(HCA) No. 06/2012

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 respondents to produce the corpus in Court. The petitioner alleges that on 10.03.2012 around 12.30 a.m. four people claiming to be the police officers came and arrested her husband at her house at Mattakkuliya. Soon after the arrest he had been taken in a white van. The petitioner thereafter saw a police vehicle parked little away from her house and thereupon went and complained to the officers in the said vehicle. On their instructions the petitioner made a complaint to the Modara Police Station in the same morning. The respondents have denied the arrest of the corpus. When we consider the material submitted by both parties, We are of the opinion that Court

should order the Magistrate to hold an inquiry. We direct the Magistrate of Colombo to hold an inquiry on the petition filed by the petitioner in this Court. Registrar of this Court is directed to send a certified copy of the entire record to the Magistrate's Court. Petitioner is at liberty to move this Court by way of a motion after the conclusion of the inquiry by the Magistrate.

JUDGE OF THE COURT OF APPEAL

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

I agree.

JUDGE OF THE COURT OF APPEAL

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