

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

CA (PHC) 138/2004
PHC - Kegalle - 1363

Marasinghe Darshana Deepal Marasinghe
In front of No: 277,
Kuttigala,
Padalangala.

J.S. Lakshman Jayarathna
Kuttigala,
Padalangala.

Appellants

Vs.

Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Respondent

CA (PHC) 138/2004

PHC - Kegalle - 1363

Before : A.W.A Salam, J. &
Sunil Rajapakshe, J.

Counsel : Appellant absent and unrepresented.
Anoopa De Silva SSC for the respondent.

Decided on : 21.05.2013.

A.W.A Salam, J.

Learned State Counsel heard in support of the objection regarding the maintainability of the appeal. This is an appeal preferred against the judgment of the High Court which exercised appellate jurisdiction over the conviction and sentence imposed on the accused for violating certain provisions of the Penal Code. Based on the Judgment in Wickremesekera Vs. OIC Ampara 2004 SLR volume one page 257, I am of the opinion that this appeal cannot be maintained and if at all an appeal from the judgment of the High Court has to be made to the Supreme Court with the leave of that Court first had and obtained. In the circumstances, this appeal stands dismissed.

JUDGE OF THE COURT OF APPEAL.

Sunil Rajapakshe, J.

I agree

JUDGE OF THE COURT OF APPEAL.

Mm/-.