

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

CA Habeas Corpus No 01/2011

W.P. Kumudu Kumari,
No.160B, "Kaveesha" Thoduwava North,
Thoduwava

Petitioner

Vs.

1. Janakantha
Inspector of police
2. Dayananda,
Sub inspector of police
Present Residential Address:
No. 1/81, Thalawathugoda Road,
Madiwela, Kotte
3. Nilupul Peiris,
Chief Inspector of police
4. Kudahetti,
Senior Superintendent of Police

All C/O,
Inspector General of police,
Police Head Quarters,
Colombo 01.

5. Inspector General of Police,
Police Head Quarters, Colombo 01.
6. Hon. Attorney General,
Attorney General's Department,
Colombo12.

Respondents

7. W. Leonard Iarjith Loland,
Believed to be detained at an unknown location
by the Sri Lankan Police

The Corpus

CA Habeas Corpus Application No. 01/2011

Before : Sisira J. de Abrew, J &
P.W.D.C Jayathilake, J

Counsel : Chula Bandara with Sidath Bandara for the Petitioner.

Argued & Decided on: 07.11.2013

Sisira J. de Abrew, J.

Heard both counsel in support of their respective cases. We note that the 2nd respondent Dayananda, Sub Inspector of Police had been represented on 22.05.2013, 28.06.2013 and 18.07.2013 by an Attorney-at-Law. Counsel who appeared for the 2nd respondent has moved for time to file objections but his objection has not been filed. According to the journal entries dated 22.05.2013 and 28.06.2013 counsel submitted that the wife of the 2nd respondent was present in court.

The petitioner states in his petition that on 12.08.2009 her husband was taken away by a person. At this time the son of the corpus had been present. This incident had taken place at a place called Waikkala. On

18.07.2010 the petitioner's son (the son of the corpus) has seen the person who took away his father at a place called Mahawewa. The son has seen this person when he (the person who took away his father) was having some liquor with some people at a restaurant. This person was later identified as the 2nd respondent (Dayananda Sub Inspector of Police). When we consider the above matters, we feel that we should order an inquiry by the Magistrate in to the alleged abduction. Learned counsel for the petitioner submits that the witnesses are from Maravila area. We direct the Magistrate of Maravila to hold an inquiry and report to this court on the matters set out in the petition, affidavit and the objection of the respondents.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL.

P.W.D.C Jayathilake, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

NR/-