

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

CA (PHC) APN No: 122/2013

H.C. (Gampaha) case No: - 145/2006

Wellangahagoda Gedara Roshan Wajira Kumara
(Prisoner in remand custody)

Accused - Petitioner

Vs.

The Officer-in-charge
Police Station
Nittabuwa.

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

Respondents

C.A. (PHC) APN No. 122/2013

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H.C. Gampaha 145/2006

BEFORE : A.W.A. Salam J.
Sunil Rajapakshe J.

COUNSEL : Jeffry Zainudeen for the Petitioner.
Rajindra Jayaratne SC. for the Respondents.

ARGUED &

DECIDED ON : 24.02.2014

A.W. A SALAM J.

Heard both parties for and against the application. The 2nd accused admittedly was serving a period of imprisonment during the period of 11 years, he claims he was on remand. This as contended by the learned State Counsel is a non-disclosure of the accused having served a term of imprisonment pending his trial relating to the commission of offences set out in the indictment. As the accused has failed to invoke the jurisdiction with clean hands, we are of the opinion that he is not entitled to be heard on this application.

Accordingly, we dismiss this application.

JUDGE OF THE COURT OF APPEAL

SUNIL RAJAPAKSHE J.

I agree

JUDGE OF THE COURT OF APPEAL

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