

**In the Court of Appeal of the Democratic  
Socialist Republic of Sri Lanka**

In the matter of an application under and in terms of the Constitution of the Democratic Socialist Republic of Sri Lanka and in particular under and in terms of Article 105(3) of the Constitution.

CA Appln No: 205/2012

**1. Geoffrey Alagratnam**

President's Counsel  
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**2. Dr Sunil F A Cooray**

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**5. E C Feldano**

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**6. Mrs Nalani Kamalika  
Manatunge**

President - Galle Law  
Association  
No 19/1A Hirimbura  
Lane  
Galle

**7. Mr A S M Perera**

President's Counsel  
No 428/5 Sunethradevi  
Road  
Pepiliyana, Nugegoda

**Petitioners**

**Vs**

**Rishard Bathiudeen MP**

No C37 Stanmore  
Crescent  
Colombo 7

**Respondent**

**To: HIS LORDSHIP THE HONOURABLE PRESIDENT  
AND TO THEIR LORDSHIPS AND LADYSHIPS THE  
OTHER HONOURABLE JUDGES OF THE COURT OF  
APPEAL OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA:**

**MOTION**

**Whereas** the Petitioners have filed this Application before Your Lordship's Court solely in order to uphold the dignity and independence of the judiciary in the Republic of Sri Lanka;

**AND Whereas** this application by seven members of the Bar of Sri Lanka has received wide publicity and the support from the Bar and persons upholding the Rule of Law;

**AND Whereas** the level of publicity and support has amply and suitably demonstrates and conveyed the high regard and esteem enjoyed by the judiciary of Sri Lanka;

**AND Whereas** the Respondent regrets that the telephone registered under his name has been used to make the telephone calls which forms the subject matter of these proceedings and apologizes for the unauthorized use of the telephone in the said way;

**AND Whereas** the Respondent states that he has the highest respect for the members of the judiciary and condemns any act which violates the dignity and esteem of the judiciary or that which violates the independence of the judiciary and apologizes to the Honourable members of the judiciary for the telephone registered under his name being

used to make the telephone calls that forms the subject matter of these proceedings;

**AND Whereas** the Respondent regrets the pain of mind if any caused to A Judeson Esq, the then Honourable Magistrate of Mannar;

**AND Whereas** the aforesaid circumstances, the Petitioners are satisfied that the objective of instituting these proceedings, namely to uphold the dignity and independence of the Judiciary have been fulfilled;

**AND Further Whereas** the Respondent has subscribed to this motion to confirm the assurance given by him and whereas the Attorney at Law for the Respondent to has subscribed to this motion in confirming the assurance given by the Respondent, the Petitioners humbly move to terminate these proceedings.

On this 14<sup>th</sup> day of March 2014

Sgd../

Respondent

Sgd../

Sgd../

Attorney at Law for the Respondent  
Law for the Petitioners

Attorney at

C.A. 205/2012- Contempt of Court S.C. 219/12

Before : **P.W.D.C. JAYATHILALA, J.**

Counsel : Romesh de Silva P.C., Ikram Mohomed P.C,  
Sanjeeva Jayawardena P.C., G.G.  
Arulpragasam, Saliya Peiris, J.C.  
Weliamuna, Sugath Caldera, Eraj de Silva,  
Nilanga Udalagama, Niranjan Arulpragasam,  
Milhan Mohamed instructed by Lilanthi de  
Silva for the Petitioners

Faiz Musthapa P.C. with Gamini Marapana  
P.C. , M.M.Zuhair P.C., Razik Zarook P.C.,  
Palith Kumarasinghe P.C., Kushan de Alwis  
P.C., Faizer Musthapa P.C., Kuvera de Zoysa  
P.C., Chandana Liyanapatabendi P.C., A.M.  
Ilyas, Anura Meddegoda, N.M. Saheed,  
Ghazzali Hussein, Kalinga Indatissa, Navin  
Marapana, M.S.M. Fahim, Hunais Farook,  
M.A.Q. Ghazali, M.S.M. Hejaaz Hizbullah  
instructed by Verners for the Respondent,

Decided on : 14.03.2014.

**P.W.D.C. Jayathilake, J.**

Mr. Manjula Thilakaratne former Secretary of the Judicial Service Commission and Mr. A. Judeson former Magistrate, Magistrate's Court of Mannar are present in Court.

Motion dated 14/03/2014, signed by the Respondent , Attorney-at-Law for the Respondent and Attorney-at-Law for the Petitioners submits in open Court.

Learned President's Counsel appearing for both parties move to make an order according to the terms of the motion and terminate these proceedings.

Accordingly, on the request of the petitioners and the respondent, Court makes order according to the terms of the motion terminating the proceedings of this case.

Proceedings are terminated.

Registrar is directed to initial the pages 1-3 of the motion.

Registrar is further directed to issue certified copies of this order to the petitioners and the respondent on payment of usual charges.

*Proceedings terminated.*

**JUDGE OF THE COURT OF APPEAL**

/mds