

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

CA.PHC. APN. 05/2014
HC Colombo 3749/2007

S. Sumudu Sayakkara.
Ritigahawaththa.
Gonadeniya.
Wakadawaka.

Surety - Petitioner

Vs.

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

Respondent

C.A. (PHC)APN 05/2014(Rev.) : H.C.Colombo Case No.3749/2007

Before : K.T. Chitrasiri,J. &
Malinie Gunaratne,J

Counsel : Tenny Fernando for the Petitioner
Anoopa de Silva, S.S.C. for the Respondent

Argued &

Decided on : 23.07.2014

K.T. Chitrasiri,J.

This is an application to revise the order dated 26.11.2013 of the learned High Court Judge of Colombo wherein he has made a confiscation order in accordance with the terms found in the bail bond by which the Petitioner has agreed to produce the accused to Court in respect of the case HC 3749/2007 filed in the High Court of Colombo. The learned counsel for the petitioner submits that the learned High Court Judge has acted upon the terms of the bail bond without giving an opportunity to show cause why the Petitioner should not be dealt with, in terms of the said bail bond.

Learned Senior State Counsel concedes that such an opportunity has not been given to the Petitioner before acting in terms of the bail bond.

Accordingly, learned counsel for the Petitioner moves to have this matter referred to the learned High Court Judge to hold an inquiry before acting upon the terms of the bail bond.

Learned Senior State Counsel has no objection to this application made by the learned counsel for the Petitioner.

In view of the above we set aside the order dated 26.11.2013 and direct the learned High Court Judge to give an opportunity to show cause why the Petitioner should not be dealt with in accordance with the bail bond signed by the Petitioner having assured the attendance of the accused in Court whenever required by it.

Application allowed.

JUDGE OF THE COURT OF APPEAL

Malinie Gunaratne,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-