

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

CA (PHC) 175/03
PHC-NEGOMBO HCA 61/97

A.M. Saman Thilakarathne
Mahagiriulla

Appellant

Vs.

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

Respondent

CA (PHC) 175/03

PHC-NEGOMBO HCA 61/97

BEFORE: K.T. CHITRASIRI, J. &
W.M.M. Malinie Gunaratne, J.

COUNSEL: G.R.D. Obeysekera for the Accused-Appellant.
Anoopa De Silva SSC for AG.

ARGUED &
DECIDED ON:26.08.2014.

K.T. CHITRASIRI, J.

Learned State Counsel raising a preliminary objection submits that in view of the decisions in Wickremasekera Vs. OIC Police Station Ampara, (2004 (1) SLR 257) this Court has no jurisdiction to entertain this appeal. This is an appeal filed to challenge the decision made on 14.11.2002 by the learned High Court Judge of Negombo where he has exercised appellate powers. In view of the decision in Wickremasekera Vs. OIC Police Station Ampara (Supra) this Court has no jurisdiction to entertain appeals filed to challenge the decisions of the Provisional High Court where the said High Court has exercised appellate powers. Accordingly this Court has no jurisdiction to entertain this appeal. Therefore this appeal is dismissed. Learned Counsel for the appellant at this

stage moves to have this appeal converted to a revision application. However this Court is not inclined to do so since it may lead to negate the Supreme Court decision made in Wickramasekera Vs. O.I.C Police Station Ampara in the event the decision in such an application is made in favour of the appellant.

For the aforesaid reasons this appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

W.M.M. Malinie Gunaratne, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.