

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

CA (PHC) APN 99/2013

HC. Kurunegala Case No. 10/2010

M.C Pillassa No. 62153

E.V.Keerthi Kumara
Udapamunuwa, "Sampatha", Medical Center,
No. 06, Samodaya Housing Scheme,
Mawathagama.

Accused -Petitioner - Petitioner

Vs.

1. K.W. Susiripala,
Food and Drugs Inspector
Office of the District Director General of the District
Director General of Health Services,
Kurunegala.

Complainant - Respondent - Respondent

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

Respondent

CA (PHC) APN 99/2013 Revision HC Kurunegala HCR 10/2010

MC Pillasa No 62153

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

COUNSEL : Amila Palliyage with Eranda Sinharage for the
Petitioner.
Anoopa De Silva SSC for the Respondent.

ARGUED &
DECIDED ON : 07.08.2014

K.T. CHITRASIRI, J.

Learned State Counsel submits that the learned High Court Judge, who made the decision that is being challenged in this revision application, has not addressed his mind to the main ground of appeal upon which the revision application was filed in the High Court. It is made clear by the paragraph found in page 3 of the decision marked P10 of the learned High Court Judge. In that decision learned High Court Judge has clearly stated that he is not expressing any opinion as to manner in which the learned Magistrate has come to the decision that was challenged before him. Accordingly, learned State Counsel moves that this matter be sent back to the learned High Court Judge to hear and consider the merits of the revision application dated 10.03.2010. Learned Counsel for the petitioner has no objection to this application.

We note that the learned High Court Judge has not addressed his mind to the issue that had been raised in the petition dated 10.03.2010. Therefore, we do not see any error in the application

made by the learned State Counsel. Accordingly, the judgment dated 27.06.2013 of the learned High Court Judge of Kurunegala is set aside. Learned High Court Judge of Kurunegala is directed to commence the proceedings afresh in respect of the application dated 10.03.2010.

Accordingly, the proceedings in this appeal are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

W.M.M. MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

KRL/-