

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

C.A. (PHC) No. 121/2012

P.H.C. Badulla Case No. 44/2011 Rev.

M. C. Mahiyangane Case No.68676

Abdul Kapoor Mohomed Aliyar
Mahiyanganaya.

Petitioner

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

Respondent

High Court Judge to consider the merits of the application and to make an order thereafter. Counsel for the appellant has no objection to this application.

Having considered the aforesaid submissions, we find that the learned High Court Judge has misdirected himself when he was of the opinion that the appellant had the right to file an appeal to revise the order of the learned Magistrate. Accordingly, we set aside the order dated 30.08.2012 of the learned High Court Judge of Badulla. Learned High Court Judge is directed to consider the merits of the revision application made by the petitioner-appellant and thereafter to make an order according to law.

The Registrar is directed to send the original record with this Order to the High Court of Badulla for the learned High Court Judge to take further steps as directed.

Appeal allowed.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunarathne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

AKN