

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

C.A. (PHC) No. 149/2007

Gampaha H.C. Rev.

Appln. No.33/2005

Magistrate Court

Gampaha Case

No. B/21/2002.

In the matter of an Appeal from a
Judgment of Revision Application
by the Provincial High Court of
Gampaha.

AND NOW

Liyana Arachchige Ivan Gamini de
Silva, No. 257, Seram Garden,
Kurukulawa, Ragama.

Petitioner-Appellant.

Vs.

01. Hon. Attorney-General,
Attorney-General's Department,
Colombo.

02. Officer-in-Charge,
Police Station,
Ragama.

Respondents-Respondents.

C.A. (PHC) No. 149/2007 P.H.C. Gampaha Case No.33/2005

Before : H.C.J. Madawala, J &
 L.T.B. Dehideniya, J.

Counsel : Appellant is absent and unrepresented.
 D.S. Soosaitas, S.S.C., for the Respondent.

Argued &

Decided on : 20.09.2016.

L.T.B. Dehideniya, J.

The appellant has sent a petition to H/L the President of the Court of Appeal informing, among other things, that he is serving a term of life imprisonment. This fact was not brought to the notice to the Court before.

The appellant appeared personally before this Court on 08.05.2015 and the case was fixed for argument on 20.10.2015, but was adjourned on the application of the Counsel of the appellant. Thereafter the appellant being absent and unrepresented on the date of argument, the case fixed for judgment. Now it is brought to the notice of the Court that he is in the prison. Unless the Court orders the prison authorities to produce the appellant in Court, he is unable to present himself in Court.

Under these circumstances, I order to remove the case from the judgment list.

I direct the Registrar to issue notice to the Superintendent of Prison, Monaragala to produce the appellant in Court on the next date.

I further order to issue notice on the Respondent informing that the case is removed from the judgment list and will be mentioned.

Mention on 10.11.2016.

JUDGE OF THE COURT OF APPEAL

H.C.J. Madawala, J.

I agree.

JUDGE OF THE COURT OF APPEAL