

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

**CA PHC APN 101/2015**

Rankoth Pedige Suresh Chandana Kumara

**1<sup>st</sup> Accused-Petitioner**

**Vs.**

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

**Complainant-Respondent**

**And**

Naththandige Thushara Preemal Fernando

**2<sup>nd</sup> Accused-Respondent**

**Before** : **S. Devika de L. Tennekoon, J**  
**S. Thurairaja, P.C. J**

Counsel : Dushantha Kularatne for the  
1<sup>st</sup> Accused-Petitioner.

Decided on : 12.09.2017

**S. Thurairaja, P.C. J**

The 1<sup>st</sup> Accused – Petitioner, Rankoth Pedige Suresh Chandana Kumara, preferred a revision application dated 15.08.2015, and submitted to the Court of Appeal on the 28.09.2015. The counsel supported the petition and moved for notice. We find the conviction was on the 03.07.2014, and the petition was received to the Court of Appeal after one year and two months. The delay is not properly explained in the petition. We find that the petitioner has not exercised his legal rights enshrined to him by the law, namely the appeal. Revision is an exceptional jurisdiction granted to the court of appeal and it is jealously guarded for deserving situations and it cannot be used lavishly as such. We heard counsel submitting the grounds for issuance of notice, we could not find a single ground which falls within the ambit of exceptional circumstances. The exceptional circumstances are crystalized by decisions of our Court and confirmed by the Supreme Court. The main contention of the petitioner is that the

confession is not properly qualified and the learned judge has not considered the mandatory things in his judgement. I had the privilege of going through the brief from cover, to cover further assisted by the counsel in his submissions. I find that the learned High Court Judge has covered all possible legal theories in favour of the accused person. Considering all submissions, I do not find that there is an exceptional circumstances submitted in the petition or by the counsel. Therefore, this application does not qualify for issuance of notice. Notice refused.

***Notice refused.***

**Judge of the Court of Appeal**

**S. Devika de L. Tennekoon, J**

I agree

**Judge of the Court of Appeal**

Na/-