

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

In the matter of an appeal under and in
terms of the Section 331 of the Code of
Criminal Procedure Act.

Jayakody Aratchchilage Premawathie

APPELLANT

CA Case No. 72/2011

HC (Negombo) Case No 471/2004 **Vs**

The Attorney General of the
Democratic Socialist Republic of
Sri Lanka.

RESPONDENT

BEFORE

: Deepali Wijesundera J.

L.U. Jayasuriya J.

COUNSEL

: Dr. Ranjith Fernando for the

Accused – Appellant

Priyantha Nawana A.S.G. with

Jude Nanayakkara S.S.C. for the

Attorney General

ARGUED ON

: 29th September, 2017

DECIDED ON

: 02nd November, 2017

customs which were clearly visible. The appellant has not explained as to why she refrained from listing the two blenders in the CUSDEC form. As a regular traveler who has been bringing goods from India she should have been aware of the procedure.

On perusal of evidence it appears that she has not exercised due care when carrying those grinders especially when there was a civil war in the country. The learned High Court Judge has carefully analyzed the evidence placed before him and arrived at his finding.

With great respect I don't wish to follow the rules discussed in **CA Appeal No. 152/96 Sumanawathi Pereera vs AG**. As the principle of good faith referred to in section 51 of the Penal Code has not been well considered in the above judgment.

For the afore stated reasons I am not inclined to set aside a well considered judgment. The judgment and the conviction dated 30/06/2011 is affirmed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Lalith Jayasuriya J.

I agree.

JUDGE OF THE COURT OF APPEAL