

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

In the matter of an application for Revision under and in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka to be read with the Provisions of High Court of Provinces (Special Provisions) Act No.19 of 1990.

CA/PHC/APN/No: 58/2018

HC. Colombo No: 3604/2007.

Ravindra Buddhadasa Wettasinghe,
No. 485G, Bogahahena Road,
Battaramulla.

Accused-Petitioner

-Vs-

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

Respondent

C.A.(PHC) 58/2018 Rev.

H.C. Colombo Case No: 3604/2007

Before : **P Padman Surasena,J.(P/CA) &
Shiran Gooneratne,J.**

Counsel : Upul Jayasuriya PC. for the Petitioner.

Supported &

Decided on : 08.05.2018

P Padman Surasena,J. (P/CA)

In this application the petitioner seeks to challenge the four orders made by the learned trial Judge produced marked **X 12(E)**, **X12(F)** , **X12(H)** and **X12(I)**. In all four orders learned trial Judge has taken the view that the application made on behalf of the petitioner to expunge from the record, certain portions of the evidence given by the witness who is under cross examination, should be considered when evaluating evidence at the time of preparation of the final judgment.

In that sense, it is the observation of this Court that there is no pronouncement by the learned trial Judge which would affect any interest of

the petitioner. This Court has to be mindful that this is an application for revision. The petitioner in this application seeks the intervention of this Court to set aside the above four orders made by the learned High Court Judge and to direct the learned High Court Judge to expunge the impugned evidence from the record in the exercise of revisionary jurisdiction of this court. As has been mentioned above, the learned High Court Judge has not either refused or allowed the said application. Since the trial is still proceeding, this Court cannot see any illegality or inappropriacy in the impugned orders of the learned High Court Judge.

In these circumstances, this Court is of the view that this is not a fit case in which it should exercise its revisionary jurisdiction. Therefore this Court decides to refuse to issue notices on the respondents. Application must stand dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

Shiran Gooneratne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-