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

In the matter of an application for Appeal made in terms of section 333(1) of the Code of Criminal Procedure Act No. 15 of 1979 read with section 11 of the High Court of the Provinces (Special Provisions) Act No. 19 of 1990.

C.A. Case No: **CA (PHC) 95/2012**

H.C. Kandy Revision Application No: **HCRA/11/2011**

M.C. Theldeniya Case No: **95535**

Range Forest Officer,
Theldeniya.

Complainant

Vs.

Ramachandran Gnaneshwaran,
Greenwood Estate,
Nawalapitiya.

Accused

Kottasha Arachchige Ubhayaweera
No. 3/26, Ganga Siri Road,
Gampola.

Claimant-Petitioner-Registered owner

AND BETWEEN

Kottasha Arachchige Ubhayaweera
No. 3/26, Ganga Siri Road,
Gampola.
(Claimant-Petitioner-Registered owner)

Petitioner

Vs.

Range Forest Officer,
Theldeniya.

1st Respondent

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

2nd Respondent

AND NOW BETWEEN

Kottasha Arachchige Ubhayaweera
No. 3/26, Ganga Siri Road,
Gampola.
(Claimant-Petitioner-Registered owner)

Petitioner-Appellant (Deceased)

1. Kottasha Arachchige Iresha Kumari Ubhayaweera
2. Kottasha Arachchige Chathuranga Prasad Ubhayaweera

Both of

No. 3/26, Ganga Siri Road,
Gampola.

Substituted Petitioner-Appellants

Vs.

Range Forest Officer,
Theldeniya.

1st Respondent-Respondent

The Attorney General,
Attorney General's Department,
Colombo 12.
2nd Respondent-Respondent

BEFORE	:	K. K. Wickremasinghe, J. Janak De Silva, J
COUNSEL	:	Wasantha Nawarathne Bandara, PC with AAL Pasan Weerasinghe for the Substituted-Petitioner-Appellants Nayomi Wickremasekara, SSC for the 2nd Respondent-Respondent
ARGUED ON	:	18.06.2018
WRITTEN SUBMISSIONS	:	The Substituted-Petitioner-Appellants – On 01.08.2018 The 2nd Respondent-Respondent – On 24.08.2018
DECIDED ON	:	04.09.2018

K.K.WICKREMASINGHE, J.

The Claimant-Petitioner-Appellant had filed an appeal in this court seeking to set aside the order of the Learned High Court Judge of Kandy bearing case No. HCRA 11/2011 dated 10.07.2012 and seeking to set aside the confiscation order of the Learned Magistrate of Theldeniya in the case No. 95535 dated 14.01.2011. Subsequent to the institution of this action, the Appellant succumbed to death on 10.02.2017 and his two elder children had been substituted into this action.

FACTS OF THE CASE

The Claimant-Petitioner-Appellant (hereinafter referred to as the Appellant), being an owner of two Lorries, was engaged in the business of providing transportation services. The Appellant had instructed the driver and the assistant of his lorry bearing No. 68-9723 to transport timber belonging to a customer who had requested the service from the Appellant. On or about 29.04.2010, the Lorry had been taken into custody by the Range Forest Officers of Theldeniya for illegally transporting 16 logs of *Eucalyptus Grandis* timber valued at Rs.158, 565/= without a valid permit. Subsequently the driver was charged before the Learned Magistrate of Theldeniya on 04.05.2010, for committing an offence punishable under sections 24(1)(b), 25(2), 40 and 40(1)(b) of the Forest Ordinance as amended, read with the provisions of Regulations published in Extraordinary Gazettes bearing No. 68/14 dated 26.12.1979, No. 80/7 dated 20.03.1980, No. 1380/30 dated 18.02.2005 and No. 1447/19 dated 31.05.2006. The Accused-Driver had pleaded guilty to the said offence on 04.05.2010 and the Learned Magistrate of Theldeniya had ordered a fine of Rs.20, 000/= and if default a term of 3 months imprisonment.

Thereafter a vehicle inquiry was held with regard to the confiscation of the Lorry, in which the Appellant had given evidence and written submissions had been filed. After concluding the inquiry, on 14.01.2011, the Learned Magistrate of Theldeniya had ordered to confiscate the vehicle. Being aggrieved by the said order, the Appellant has filed a revision application in the High Court of Kandy bearing No. HCRA 11/2011. Pronouncing the order dated 10.07.2012, the Learned High Court Judge of Kandy had dismissed the said revision application stating that the Petitioner had failed to demonstrate exceptional circumstances to invoke the revisionary jurisdiction.

Being aggrieved by the said dismissal, the Appellant has preferred an appeal in this Court.

The Learned President's Counsel for the Appellant has submitted two grounds of appeal as follows;

i) Absence of a legitimate conviction,

ii) The Learned Magistrate of Theldeniya had failed to consider the extent of burden on the Appellant in discharging his duties.

The Learned President's Counsel for the Appellant contended that the Learned Magistrate of Theldeniya had failed to comply with the mandatory requirements of section 182 of the Code of Criminal Procedure Act, by failing to 'read over the charge to the accused'. The Learned President's Counsel further contended that according to the journal entry made by the Learned Magistrate on 04.05.2010, it was evident that the Learned Magistrate had framed the charge sheet but had failed to read over and explain the contents of the charge which is laid down in section 182(2) of the Code of Criminal Procedure Act No. 15 of 1979, thereby causing an incurable defect in terms of the Code of Criminal Procedure Act.

Following cases have been submitted in support of the said contention;

i) Godage and others V. OIC, Kahawatte Police (1992) 1 SLR 54

ii) Fernando V. AG (Srikantha Law Reports 1 CA)

iii) Abdul Sameem V. The Bribery Commissioner (1991) 1 SLR 76

However, aforesaid cases of Godage V. OIC Kahawatte and Abdul Sameem V. The Bribery Commissioner had dealt with the issue of failure to frame a charge sheet by the Learned Magistrates. In the case of Godage, there was no charge sheet

at all. Therefore we do not find these Judgments to be supportive of the contention made by the Learned President's Counsel since the Learned Magistrate in the instant case had complied with section 182 (1) by duly framing the charge sheet which is attached in page 67 of the brief.

By going through the journal entry it is evident that the Learned Magistrate had read over the charge to the Accused-Driver and he had pleaded guilty to the same. Accordingly the Driver was convicted for the offence of illegally transporting *Eucalyptus Grandis* timber valued at Rs. 158, 565/= without a valid permit.

The Learned President's Counsel for the Appellant has submitted that the prosecution had not been able to produce and file of record the requisite Extraordinary Gazettes which contained updated species of timber that were prohibited to be transported without prior approval.

Since this is an appeal from the revision application in the High Court, we are inclined to consider whether these grounds of revision were averred in the said petition by the Appellant. Upon perusal of the petition and the oral submissions made on behalf of the Appellant in the High Court, we find that the Learned Counsel for the Appellant who appeared in the High Court had submitted the following ground to invoke the revisionary jurisdiction;

> The Learned Magistrate of Theldeniya had misdirected himself in ascertaining the knowledge of the vehicle owner about the committing of offence.

Accordingly, neither the failure of the Learned Magistrate to read over the charge to the Accused nor the absence of relevant Extraordinary Gazettes had been averred by the Appellant as grounds of petition in the High Court.

Learned President's Counsel had referred to the case of **Y.A. Bazeer V. Perera (1978-1979) 2 SLR 185**, in which it was held that,

> *"(1) the fact that a wrong gazette was mentioned in the charge sheet was a defect which alone was sufficient to vitiate the conviction.*
>
> *(2) Oral evidence of the contents of a Gazette, in the absence of the Gazette itself is insufficient to establish the existence of or the boundaries of the National Park. Hence, the relevant Gazette containing the Minister's Order pertaining thereto must be produced in evidence; and the failure to do so is fatal to the prosecution case."*

However, that case had dealt with an issue about a Gazette that was mentioned in the oral evidence of a trial. In the instant case, the Gazette numbers were mentioned in the charge itself.

In the case of **Sivasampu V. Juan Appu (1937) 38 NLR 369,** it was held that,

> *"Where a charge is laid under a statutory rule, regulation, or by-law which is required by law to be published in the Government Gazette, the prosecution is not bound to produce the Gazette in which the rule or regulation or by-law appears in proof thereof in order to establish the charge. There would be a sufficient compliance with the requirements of the law if in the complaint or report to Court there is a reference to the Gazette in which the rule invoked appears... The production of the Gazette is therefore not necessary. Nor will the non-production of the Gazette embarrass the Court at all, for every Court is provided with copies of every Gazette and has, moreover, the right to call for a Gazette in aid of its memory or under section 57 of the Evidence Ordinance by way of proof of the by-law or rule. That is the position as far as the Court is concerned..."*

Therefore in view of the above case the Prosecution was not bound to produce relevant Gazettes before Court when prosecution has shown the existence of a valid by-law.

The Learned President's Counsel in his oral submissions has mentioned that there was a defect in the charge sheet in which the section 40(a) of Forest Ordinance had been mentioned instead of section 40(1)(a) of Forest Ordinance. Therefore we are inclined to consider whether the accused-driver had been misled by such error.

Section 164(4) of the Code of Criminal Procedure Act stipulates that the law and section of the law under which the offence said to have been committed is punishable shall be mentioned in the charge.

The Charge sheet reads as follows;

> "අනවසරයෙන් අංක 68-9723 දරන ලොරියෙන් යුකැලිප්ටස් වර්ගයේ දැව කඳන් 16ක් ප්‍රවාහනය කිරීම."

> "...2010 ක් වූ අප්‍රේල් මස 29 දින හෝ ඊට ආසන්න දිනකදී...නියෝගය උල්ලංඝනය කරමින් රුපියල් 158565/=ක් වටිනා යුකැලිප්ටස් වර්ගයේ දැව කඳන් 16ක් අංක 68-9723 දරන ලොරියෙන් වලංගු බලපත්‍රයක් නොමැතිව මහනුවර දිස්ත්‍රික්කයේ හුලුගඟ බඹරැල්ල මාර්ගයේ හාගලදී ප්‍රවාහනය කිරීමෙන් පූර්වෝක්ත වන ආඥා පනතේ 40, 40(අ) වගන්තිය සමඟ කියවෙන 25(2) වන වගන්තිය යටතේ දඬුවම් ලැබිය යුතු වරදක් සිදු කර ඇතිබවට මෙයින් චෝදනා කරමි." (Page 67 of the brief)

The omission to mention subsection one (01) of the section 40 of Forest Ordinance appears to be of a typographical error since the Learned Magistrate has correctly referred to section 40(1) of Forest Ordinance in the order dated 14.01.2014.

"...ඉහත සංශෝධන පනත පැනවීමට ප්‍රථම වන ආඥා පනතේ 40(1) (ආ) වගන්තිය අනුව වරද සිදු කිරීමෙහිලා ප්‍රයෝජනයට ගනුලබන වාහනයද..." (Pages 76, 77 & 81 of the brief)

The charge in the instant case contained relevant details of the offence such as specific name of the offence, date of the offence, vehicle number, name of the timber which was transported without license, value of the timber, section of the offence, name of the gazette notification and relevant amendments. That was reasonably sufficient to give the accused notice of the matter with which he was charged. Further we find that charge contained both sections 40 and 40(a). Therefore it is our considered view that subsection 01 was included in the charge since section 40 was mentioned and the Learned Magistrate had duly framed the charge, in compliance with Section 165( ) of the Code of Criminal Procedure Act.

In the case of **Jayaratne Banda V. Attorney General (1997) 3 SLR 210,** it was held that,

"...The defence the accused-appellant had taken was a simple denial of the commission of the crime. There is nothing in the petition of appeal to indicate that due to the mistake in the indictment the accused-appellant was misled and thereby caused prejudice to his defence. In the circumstances it is not difficult for us to conclude that the presence or absence of the 'error' could not have made any difference to the general conduct of the defence and therefore cannot be regarded as a material error in terms of Section 166 of the Code...

In Molagoda v. Gunaratne (39 NLR 226) Counsel for the accused-appellant sought to elevate the question of the wrong Gazette in the charge to a fundamental defect of procedure. He contended that an omission to frame a

charge in accordance with the provisions of the Criminal Procedure Code was an omission to frame a charge at all. This argument was rejected by the Supreme Court which held that a breach of a specific rule of law in the Code was curable by the application of Section 425 of the Old Criminal Procedure Code (which is equivalent to section 436 of the present Code) if the breach had not caused a failure of justice..."

It is noteworthy that in the instant appeal, the accused-driver had pleaded guilty to the charge of illegally transporting timber.

In the case of **Nandesena V. IP, Ragala (1961) 66 NLR 300,** it was held that,

"...There is an obvious error in respect of the section charged, for the section should be section 68 (8) and not 69 (8), but that error is one which I am satisfied, has not occasioned a failure of justice. Applying section 425 of the Criminal Procedure Code I hold that the accused is not entitled to claim an acquittal on that account..."

In the case of **D.R.M. Pandithakoralge V. V.K. Selvanayagam (56 NLR 143),** it was held that,

"There can be no doubt that the accused was in no way misled by the mistake as regards the date in the plaint. In the case of William Edward James (17 CAR 116) it was held that a mistaken date in an indictment, unless the date is of the essence of the offence or the accused is prejudiced, need not be formally amended..."

In the case of **R.T. Wilbert and 3 others V. Newman (75 NLR 138),** it was held that,

"However, a charge which is bad for duplicity is not necessarily fatal to the conviction if it has not caused prejudice to the accused and is curable under section 425 of the Criminal Procedure Code..."

In the case of **Weerasinghe V. Samy Chettiyar (43 NLR 190),** it was held that,

"...It is true that the attention of the appellant was not directed to the fact that he committed an offence under this particular section of the law. On the other hand, I do not think that he has been prejudiced in any way by such failure to direct his attention to the right section. I think the case is met by section 171 of the Criminal Procedure Code..."

We are of the view that section 40(a) of Forest Ordinance being mentioned in the charge instead of section 40(1)(a) of the Ordinance had not in fact caused prejudice to the accused and such typographical error cannot be regarded as a material error under section 166 of the Code of Criminal Procedure Act 15 of 1979 (equivalent to section 171 of the previous code). We further find that such error is curable under section 436 of the Code of Criminal Procedure Act (equivalent to section 425 of the Previous Criminal Procedure Code).

The Learned SSC for the Attorney General has submitted that the Appellant is not entitled to raise an objection as to the defects in the charge after accused-driver had pleaded guilty to the charge since the person who makes a claim under the proviso to the said section 40 could not have made such an application unless and until the accused are found guilty to a charge framed under the Forest Ordinance.

In the case of **H.P.D. Nimal Ranasinghe V. OIC, Police, Hettipola [SC Appeal 149/2017]**, it was held that,

"The question that must be decided is whether any prejudice was caused to the accused-appellant as a result of the said defect in the charge sheet or whether he was misled by the said defect. It has to be noted here that the accused-appellant, at the trial, had not taken up an objection to the charge sheet on the basis of the said defect. In this connection judicial decision in the case of Wickramasinghe Vs Chandradasa 67 NLR 550 is important. Justice Sri Skanda Rajah in the said case observed the following facts.

> *"Where in a report made to Court under Section 148(1)(b) of the Criminal Procedure Code, the Penal Provision was mentioned but, in the charge sheet from which the accused was charged, the penal section was not mentioned."*

His Lordship held as follows;

> *"The omission to mention in a charge sheet the penal section is not a fatal irregularity if the accused has not been misled by such omission. In such a case Section 171 of the Criminal Procedure Code is applicable."*

In the case of **H. G. Sujith Priyantha V. OIC, Police station, Poddala and others [CA (PHC) 157/2012]**, it was held that,

> *"In this instance, the claim of the appellant who is not an accused in the case had been made after the two accused were found guilty on their own plea. Therefore, it is understood that the Court was not in a position to consider the validity of the charge sheet at that belated point of time. Indeed, an application under the aforesaid proviso to Section 40 in the Forest Ordinance could only be made when confiscation has taken place under the main Section 40 of the Forest Ordinance. Aforesaid main Section 40 of the*

Forest Ordinance imposes a duty upon the Magistrate who convicted the accused under the Forest Ordinance to confiscate the vehicle used in committing such an offence. Furthermore, the word "shall" is used in that main section and therefore the confiscation of the vehicle is automatic when the accused is found guilty. Accordingly, it is clear that the law referred to in the proviso to Section 40 is applicable only thereafter. Therefore, I conclude that the appellant who made the application relying upon the proviso to Section 40 is not entitled to raise an issue as to the defects in the charge after the accused have pleaded guilty to the charge under Section 40 of the Forest Ordinance. Furthermore, the person who makes a claim under the proviso to the said Section 40 could not have made such an application unless and until the accused are found guilty to a charge framed under the Forest Ordinance. Hence, it is clear that he is making such a claim, knowing that the accused were already been convicted for a particular charge under the Forest Ordinance. Therefore, the appellant is estopped from claiming the cover relying on the defects in the charge sheet, in his application made under the proviso to Section 40 of the Forest Ordinance..."

It was further held that,

"Moreover, in the event this court makes a determination on the issue as to the defects in the charge sheet at this late stage, it may lead to raise questions as to the conviction of the accused as well. Such a position is illogical and certainly it will lead to absurdity. Such an absurdity should not be allowed to prevail before the eyes of the law..."

In the aforesaid case of **Jayaratne Banda** it was further held that,

"...Had the objection to the indictment been taken at the trial it would have been open to Court to have acted under Section 167 of the Code of Criminal Procedure Act to amend the indictment. Senior Counsel for the appellant too conceded that is was open for the prosecution to have amended the indictment at any stage before the close of the prosecution case..."

In the case of **A.K.K. Rasika Amarasinghe V. Attorney General and another [SC Appeal 140/2010]**, it was held that,

> *"The Accused-Appellant has not raised an objection to the charge at the trial. In the first place we note that at page 97, the Accused-Appellant has admitted that he knows about the charge. As I pointed out earlier the Accused-Appellant has failed to raise any objections to the charge at the trial. In this regard I rely on the* ***judgment of the Court of Criminal Appeal in 45 NLR page 82 in King V. Kitchilan*** *wherein the Court of Criminal appeal held as follows:*
>
> > *"The proper time at which an objection of the nature should be taken is before the accused has pleaded"*
>
> *It is well settled law that if a charge sheet is defective, objection to the charge sheet must be raised at the very inception."*

Accordingly we are of the view that the Appellant should have raised his objection with regard to the legality of the charge before the accused pleaded guilty. We cannot allow the Appellant to stand on the ground of defective charge at this stage of appeal especially when the accused-driver had pleaded guilty to the charge. Further we find that the accused-driver could have availed his right of appeal separately against the said conviction on the ground of defective charge where an Appellate court could have considered the merits of such case. We are not inclined

to interfere with the conviction of the accused-driver in an appeal that was emerged from a revision application made to the High Court against an order of a vehicle confiscation.

The Learned President's Counsel for the Appellant submitted that the Learned Magistrate and the Learned High Court Judge had failed to take cognizance of the fact that the Appellant had taken all precautions to prevent his vehicle being utilized for the commission of an offence.

In the vehicle inquiry, only the Appellant (vehicle owner) had given evidence. According to his evidence, the Appellant had admitted that his driver would take his lorry in the morning and return in the evening and in some occasions the driver had kept the vehicle and returned after two days.

The Learned President's Counsel for the Appellant submitted that the Appellant had sought and confirmed from the owner of the timber about the availability of a permit and further he had confirmed from the government office of issuing permits whether a permit had been granted to the stock of timber in the instant case.

However, we find that the Appellant had failed to produce any evidence with regard to the said contention. The Appellant had not called the said timber owner to testify and had failed to give a proper name and address of the said timber owner. We are of the view that the Appellant, in the vehicle inquiry, could have mentioned the permit number and the details of the owner of timber if the Appellant in fact had inquired such details from the relevant government office.

In the case of **Manawadu V. The Attorney General (1987) 2 SLR 30**, it was held that,

> *"By Section 7 of Act No. 13 of 1982 it was not intended to deprive an owner of his vehicle used by the offender in committing a 'forest offence' without*

his (owner's) knowledge and without his participation. The word 'forfeited' must be given the meaning 'liable to be forfeited' so as to avoid the injustice that would flow on the construction that forfeiture of the vehicle is automatic on the conviction of the accused .The amended sub-section 40 does not exclude by necessary implication the rule of 'audi alteram partem' . The owner of the lorry not a party to the case is entitled to be heard on the question of forfeiture of the lorry, if he satisfies the court that the accused committed the offence without his knowledge or participation, his lorry will not be liable to forfeiture.

The Magistrate must hear the owner of the lorry on the question of showing cause why the lorry is not liable to be forfeited. If the Magistrate is satisfied with the cause shown, he must restore the lorry to the owner. The Magistrate may consider the question of releasing the lorry to the owner pending inquiry, on his entering into a bond with sufficient security to abide by the order that may ultimately be binding on him"

In the case of **Orient Financial Services Corporation Ltd. V. Range Forest Officer of Ampara and another [SC Appeal No. 120/2011]**, it was held that,

"The Supreme Court has consistently followed the case of Manawadu vs the Attorney General. Therefore it is settled law that before an order for forfeiture is made the owner should be given an opportunity to show cause. If the owner on balance of probability satisfies the court that he had taken precautions to prevent the commission of the offence or the offence was committed without his knowledge nor he was privy to the commission of the offence then the vehicle has to be released to the owner."

The Learned President's Counsel for the Appellant further submitted that the Appellant had instructed the driver not to use vehicle for transportation of timber without a permit and to refrain from driving the vehicle under the influence of liquor.

However, in the case of **Mary Matilda Silva V. P.H. De Silva [CA (PHC) 86/97] Sisira De Abrew, J** has stated that,

"For these reasons I hold that giving mere instructions is not sufficient to discharge the said burden. She must establish that genuine instructions were in fact given and that she took every endeavor to implement the instructions... "

Accordingly it is amply clear that simply telling the driver is insufficient to discharge the burden cast on the vehicle owner by law.

In the case of **Bank of Ceylon V. Kaleel and others [2004] 1 Sri L R 284,** it was held that;

"In any event to exercise revisionary jurisdiction the order challenged must have occasioned a failure of justice and be manifestly erroneous which go beyond an error or defect or irregularity that an ordinary person would instantly react to it - the order complained of is of such a nature which would have shocked the conscience of court."

In the case of **Rasheed Ali V. Mohamed Ali (1981) 2 SLR 29** it was held that,

"The powers of revision conferred on the Court of Appeal are very wide and the Court has discretion to exercise them whether an appeal lies or not or whether an appeal had been taken or not. However this discretionary

remedy can be invoked only where there are exceptional circumstances warranting the intervention of the court..."

We are of the view that the Appellant should have actively inspected and confirmed about a valid permit of the said timber especially when he had prior knowledge about his vehicle being used for such transportation from 70km away from his residence. As per the evidence of the Appellant in the vehicle inquiry, it is observed that in some occasions he had no control over the vehicle for two days. Therefore it is understood that the Appellant had failed to discharge the burden cast on him.

Further, we find that the Appellant had failed to demonstrate exceptional circumstances to the satisfaction of High Court of Kandy in order to invoke the revisionary jurisdiction.

Considering above, we see no reason to interfere with the confiscation order made by the Learned Magistrate of Theldeniya and the order of the Learned High Court Judge of Kandy affirming the same.

The Appeal is hereby dismissed without costs.

JUDGE OF THE COURT OF APPEAL

Janak De Silva, J.

I agree,

JUDGE OF THE COURT OF APPEAL

Cases referred to:

1. Y.A. Bazeer v. Perera (1978-1979) 2 SLR 185
2. Sivasampu v. Juan Appu (1937) 38 NLR 369
3. Jayaratne Banda v. Attorney General (1997) 3 SLR 210
4. Nandesena v. IP, Ragala (1961) 66 NLR 300
5. D.R.M. Pandithakoralge v. V.K.Selvanayagam (56 NLR 143)
6. R.T. Wilbert and 3 others v. Newman (75 NLR 138)
7. Weerasinghe vs. Samy Chettiyar (43 NLR 190)
8. H.P.D. Nimal Ranasinghe v OIC, Police station, Hettipola [SC Appeal 149/2017]
9. H. G. Sujith Priyantha v OIC, Police station, Poddala and others [CA (PHC) 157/2012]
10. A.K.K. Rasika Amarasinghe v Attorney General and another [SC Appeal 140/2010]
11. Manawadu v The Attorney General (1987) 2 SLR 30
12. Orient Financial Services Corporation Ltd. v Range Forest Officer of Ampara and another [SC Appeal No. 120/2011]
13. Mary Matilda Silva v P.H. De Silva [CA (PHC) 86/97]
14. Bank of Ceylon v Kaleel and others [2004] 1 Sri L R 284
15. Rasheed Ali v Mohamed Ali (1981) 2 SLR 29