

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

In the matter of an appeal under and in terms of Article 154P (6) of the Constitution read together with the High Court of the Provinces (Special Provisions) Act No.19 of 1990 (as amended).

CA Case No: CA (PHC) 171/2016

PHC (Kegalle) Case No: 4939/Rev

MC (Warakapola) Case No: 59565

Officer-in-Charge,
Special Crimes Investigation Bureau,
Kegalle.

COMPLAINANT

Vs.

Wellage Roshan Nandika De Silva,
No.127, K.C. De Silva Pura,
Thimbirigaskatuwa,
Negombo.

ACCUSED

AND BETWEEN

Wellage Herbert De Silva,
No.127, K.C. De Silva Pura,
Thimbirigaskatuwa,
Negombo.

PETITIONER

1. Wellage Roshan Nandika De Silva,
Remand Prison,
Negombo.
2. Officer-in-Charge,
Special Crimes Investigation Bureau,
Kegalle.
3. Honourable Attorney General,
Attorney General's Department,
Colombo12.

RESPONDENTS

AND NOW BETWEEN

Wellage Roshan Nandika De Silva,
Remand Prison,
Negombo.

ACCUSED-RESPONDENT-APPELLANT

Vs.

1. Wellage Herbert De Silva,
No. 127, K.C. De Silva Pure,
Thimbirigaskatuwa,
Negombo.

PETITIONER-RESPONDENT

2. Officer-in-Charge,
Special Crimes Investigation Bureau,
Kegalle.
3. Honourable Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS-RESPONDENTS

CA(PHC)171-2016

Before : **Hon. Justice Menaka Wijesundera**

Hon. Justice Neil Iddawala

Counsel : Panchali Witharana for the AG.

Decided on : 02.03.2021

Hon. Justice Menaka Wijesundera

State Counsel appearing for the Respondents states that this Appeal is out of time. Any way the Appellant is not present in Court and he is not represented either, he had not been present in many occasions and he has not filed written submissions. The Order had been given on 03.11.2016, time period of 14 days lapses on 19.11.2016. Considering the submissions made this Court decides to dismiss this application for being out of time.

Judge of the Court of Appeal

Hon. Justice Neil Iddawala

I agree

Judge of the Court of Appeal

Na/-