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

In the matter of a Rule in terms of Article 105 (3) of the Constitution of the Democratic Socialist Republic of Sri Lanka against Hewa Aluth Sahal Arachchige Ajith Prasanna .

SC Contempt 03/2020

Hewa Aluth Sahal Arachchige Ajith Prasanna.
87/D, Parakrama Mawatha
Talahena,
Malabe
Respondent

Before: P. Padman Surasena J
S. Thurairaja PC J
E. A. G. R. Amarasekara J

Counsel: Shavindra Fernando, PC with Thivanka Attygalle, A. Arawwala and Natasha Wijesekara for the Respondent.
Janaka Bandara DSG for the Hon. Attorney General

Argued on : 08-09-2022
Decided on : 24-01-2023

P Padman Surasena J

This Court has issued a Rule against the Respondent Hewa Aluth Sahal Arachchige Ajith Prasanna (hereinafter sometimes referred to as the Respondent) directing him to appear before this Court and show cause as to why he should not be found guilty

and punished under Article 105 (3) of the Constitution, for Contempt of Court committed during a media briefing on or about 19th January 2020.

On 12th February 2021, Court read out and explained the Rule to the Respondent. On that day, the learned President's Counsel who appeared for the Respondent, had stated to Court that the Respondent pleads not guilty to the allegations levelled against him in the Rule. It was in those circumstances, that the court had fixed this matter for inquiry on several dates commencing from 8th September 2022.

Eventually, when Court took this matter up for inquiry on 8th September 2022, the learned President's Counsel who appeared for the Respondent informed court that his client does not wish to contest the charges against him, and wishes to withdraw the earlier plea of not guilty with a view of tendering a plea of guilty in respect of the charges in the Rule issued against him. The Court then once again, read out the Rule against the Respondent in Open Court. The Respondent then withdrew his earlier plea of not guilty and pleaded guilty to the charges in the Rule.

The Rule alleged, that the Respondent whilst participating in a media briefing on or about 19th January 2020 made the following statement in reference to the previous judgment of SC Case No. SC/TAB/2A – D/2017 pronounced by this Court in relation to the sentencing of Duminda Silva. The said media briefing was titled 'Thissa Aththanayake/ තිස්ස තිස්ස අත්තනායක හිරේ දැම්මේ කව්ද / Ajith Prasanna" uploaded onto YouTube via SL 360 TV Channel on or about 19th January 2020. The said statement made by the Respondent (according to the Rule) is as follows:

> ''මේ මානව මිහිකම් ගැන කතා කරනවා හැබැයි මෙතැනදී නිහඬයි. ඒ විතරක් නෙවෙයි ශ්‍රේෂ්ඨාධිකරණය නිහඬයි. අධිකරණ සේවා කොමිෂන් සභාව නිහඬයි. ඒ නිසා මම ඉල්ලනවා දුමින්ද සිල්වා එක දවසක් හරි වැඩිපුර සිරගතවෙලා ඉන්නවා කියන්නේ මේ පාපය කරගහන්න වෙන්නේ වෙන කාටත් නෙවෙයි. මේ රටේ අගවිනිසුරු ප්‍රමුඛ ශ්‍රේෂ්ඨාධිකරණයේ සමස්ත විනිසුරු මඩුල්ලටයි. ඊට අමතරව මේ රටේ අධිකරණ සේවා කොමිෂමේ ප්‍රධානියා ඇතුළු මණ්ඩලයට මේ සියලු දෙනා වගකියන්න ඕනේ'

> ‘‘දුමින්ද සිල්වා හිරේ එක දවසක් පාසා මම හිතනවා මේ රටේ ඉන්න අගවිනිසුරුවරු ප්‍රමුඛ ශ්‍රේෂ්ඨාධිකරණයේ සමස්ථ විනිසුරුවරුද, අධිකරණ සේවා කොමිෂමේ මන්ත්‍රීවරු, සමාවෙන්න අධිකරණ සේවා කොමිෂමේ සාමාජිකයෝද ඔහු එකදවසක් හිරේ ඉන්නවනම් දින දෙක බැගින් මේ අය හිරේ ඉන්න ඕනේ. දින දෙක බැගින් නීතිපතිතුමා සමග. මම කියනවා ඒ නිසා මම නැවත කියනවා මහත්වරුනි ඔබත් හිරේට යන්න. දුමින්ද සිල්වා නිදහස් නොවෙන තාක් කල් මේ රටේ අග විනිසුරු ඇතුළු ශ්‍රේෂ්ඨාධිකරණයේ විනිසුරුවරුන්ට එළියේ ඉඳීම සම්පූර්ණයෙන් ම වැරදි’’

The Respondent has now admitted his guilt for the allegations levelled against him in the Rule.

The Court then proceeded to hear the submissions of the learned President’s Counsel who appeared for the Respondent as well as the submissions of the learned Deputy Solicitor General.
The learned President’s Counsel on behalf of the Respondent, making submissions with regard to mitigation of sentence, submitted the following facts.

- The Respondent regrets having made the above statement and had given an affidavit on 09-01-2021 to the Court of Appeal in the bail application bearing No. CA/BL/37/2020.
- The Respondent had not participated in any media briefing thereafter.
- The Respondent had served in the Sri Lanka Army and had been injured during the civil war.
- The Respondent is a father of two children and his wife is currently unemployed.
- The Respondent had been in remand for nearly 01 year.
- The Respondent truly repents his action of making the relevant statement.

Concluding the submissions, the learned President’s Counsel stated that the general public would not have believed what the Respondent stated to media, as the public would have understood the Respondent’s statement to be one so foolishly made.

The learned Deputy Solicitor General who appeared for the Attorney General, in his submission highlighted the following facts.

- In the case referred to by the Respondent in the media statement, it was a five-judge bench of this Court which included Hon. Chief Justice, which affirmed the conviction of the accused (Duminda Silva).
- The Respondent had continued to defame lower court Judges who had become helpless after hearing the statements of the Respondent.
- Therefore, the conduct of the Respondent has affected adversely to the foundation of the administration of justice system in this country.
- The statements made by the Respondent was unacceptable to the extent that in a Court below, the DSG even had to move court to ascertain whether the Respondent was suffering from any mental ailment to have made such statements.
- The above media statement had come from the Respondent who is an Attorney-At-Law, and that fact has magnified the gravity of the offence.

Concluding his submissions, the learned DSG emphasized the gravity of the offence and moved Court to impose an appropriate sentence that would reflect the gravity of the offence committed by the Respondent.

At the outset, it must be noted that the Judiciary is one of the three pillars (the three pillars being the Executive, Legislature and Judiciary) upon which the smooth functioning of the State would depend. The Judiciary, stand independently in interpreting and applying the law to ensure delivery of justice to all persons. The Judiciary as well as the other two organs are the custodians of the sovereignty of people of this country.[1] The Constitution of this country expects the judiciary to function independently. As the disputes of citizens are resolved through the judicial system of this country, it stands to reason to expect that the citizens are expected to respect the administration of justice system of the country. Any derogation from this would lead the country to an anarchy. It is on this requirement that the legislature

[1] As per Article 4 (c) of the Constitution.

through Article 105 (3) of the Constitution had intended to vest this Court with wide powers to punish those who commit the offences of contempt of Court.

We shall now consider as to what would happen when a member of public who listens to a statement such as the one made by the Respondent. Two things can happen; the public may accept it as true; they may reject it as false. In the first scenario, if the Public believe the statement as true, there would be nothing left for the judiciary to stand on. This is because it is inevitable that public would regard the judiciary not as a justice maker but as an injustice maker. Who would then rely on the judiciary to resolve their disputes? They will be then inclined to settle their disputes by themselves by whatever means they deem fit. The effect by and large is the same in the second scenario, also. This is because those members of Public who would not believe the statement as true, would still wonder how dare a person has stated so serious statement against those hallowed institutions, with impunity. If such a situation is not immediately arrested, others would follow suit. That too would result in the citizens losing the confidence and coercive powers of Court. They would then be prompted to get assistance from illegal means to settle their disputes. Thus, in both the instances, effect of the statement made in public by the Respondent is same. That effect can be neutralized only when the maker of such serious statement is promptly visited with a deterrent sentence.

Learned President's Counsel who appeared for the Respondent in his submission went to the extent of saying that even the general public would not have believed what the Respondent had stated to media as that is a statement which is so foolishly made. An Attorney at Law; so foolish? A person who had served in the Army; so foolish?

What is the effect of this statement on society when the Respondent who is an Attorney at Law very seriously, strenuously and in a commanding language states with vigour in no uncertain terms in public that the Chief Justice, Judges of the Supreme Court, members of the Judicial Service Commission have all committed a serious offence in affirming a conviction of one or more accused. Doesn't this statement undermine the very foundation of the criminal justice system of this country? This is

more so because the accused referred to in the Respondent's statement is an accused who had been duly tried and convicted by the prevailing judicial system of this country.

Learned DSG brought to our notice that the Respondent had continued to defame lower court Judges who had become helpless as they had to continue to hear the statements made by the Respondent. Doesn't this conduct on the part of the Respondent affects the sustainability of the administration of justice system in this country?
We have no basis to answer the above questions in the negative. On what reasons/basis the Respondent had made that statement? No basis at all! What is his explanation for having to make that statement? Absolutely none!

In my view, the statement uttered by the Respondent is aimed at creating an image in the eyes of public that the administration of justice system in this country is not only unreliable for the general public but also causes only travesty of justice. Thus, the Respondent, in my view, has attempted very vigorously to make havoc in the administration of justice system in this country.
It is the fervent duty of this Court as the apex Court of the country to ensure that the administration of justice system in this country is primarily free from all forms of intimidations and undue influences. This is to enable the smooth functioning of that system. Maintaining this standard is essential for the well-being of the people of the country who would ultimately benefit from a trouble-free system of administration of justice in the country. We cannot wait passively until just one person, in this case the Respondent who is an Attorney at Law destroys everything in the system which is meant for the rest of the citizens. We have to step in, to stop that devastation.

The Constitution itself through Article 105 (3) has vested this Court with wide powers to punish those who commit such drastic offences i.e., contempt of Court.

When one listens to the statement which the Respondent had made in the instant case, it becomes unambiguously clear that the making of that statement is calculated to obstruct or interfere with the due Course of justice by intimidating the judges in

public. He had made it with the deliberate intention on his part, to obtain an order he had desired. This is because this Court had concluded the proceedings of the case which the Respondent had referred to in his statement, by the time he had made the statement. In other words, what he was trying to do was to force this court by intimidating the judges, to reverse the judgment it had already pronounced i.e., that is the judgment affirming the conviction of some accused in the case referred to by him. It is unimaginable that an Attorney-At-Law had done this only to plead guilty only when the Court was about to commence the inquiry. He had not shown any repentance up until that moment.

As stated by Amerasinghe, J, in **Re. Garumunige Tilakaratne**[2]:

> *"… whenever men's allegiance to the laws is so fundamentally shaken it is the most fatal and most dangerous obstruction of justice, and, in my opinion, calls out for a more rapid and immediate redress than any other obstruction whatsoever…"*

The Court observes that every citizen of this country has a duty to protect the integrity of the system of administration of justice. Any destruction to the public trust reposed in the system can have serious collateral consequences for the welfare of Society and its well-being. As stated in **Kandoluwe Sumangala v Mapitigama Dharmarakitta et al**:[3]

> *"law of contempt of Court does not exist for glorification of the Bench. It exists – and exists solely- for the protection of the public"*

The judicial power of the people has been vested in this Court by the Constitution of this country. The Constitution has been put in place democratically for the benefit of people. It is the duty of the judiciary to protect and uphold the Constitution put in place by the citizens of the country. As stated by Wanasundera J, in **Hewamanne v. De Silva**:[4]

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[2] Re Garumunige Tilakaratne (1991) 1 Sri L.R Page 168,
[3] Kandoluwe Sumanagala v Mapitigama Dharmarakitta et al. (**1908) 11 NLR 201 page 201**
[4] Hewamanne v De Silva and Other (1983) 1 S.L.R page 5

> *"The power vested in the Judges to safeguard the welfare and the security of the people is also a delegated part of the sovereignty of the People, referred to in Article 3 and 4 of the Constitution. Contempt against the judges is therefore an insult offered to authority of the People and their Constitution."*

Accordingly, when such damaging statements are made against the judiciary; it is essentially made against the power of the people and not the judicial officers of this Court. Therefore, in this matter, the Respondent has essentially jeopardised the right of the ordinary citizens of this country to have recourse to the Court system of this country which is a right guaranteed to them under the constitution.

In **Re Wickramasinghe**[5] it was stated;

> *"The objective of this branch of law, of course, is not the protection of the personal reputation of judges but the protection of the authority of the courts, which must be preserved in the interests of the community. It is therefore no less an offence to scandalise the judiciary generally than to scandalise the judge or judges of a particular court"*

As has been mentioned earlier, this proceeding has emanated from a Rule issued by this Court against the Respondent and this Court at no stage had placed the Respondent in remand custody pending this proceeding. The period of almost one year in remand claimed by the Respondent is not in respect of this proceedings but in respect of another case. Further, it appears from the submissions of the learned DSG that the Respondent was placed in remand to prevent him making continuous further utterances. That appears to be the reason as to why he had to swear an affidavit undertaking not to make any further statements of the kind he had made, to obtain bail. The Respondent appears to have been released on bail only after he had undertaken in the affidavit that he would not repeat such utterances again. Therefore, we are not inclined to consider the period the Respondent claims to have spent in remand for his benefit in the instant proceedings.

[5]Re S A Wickramasinghe (1954) NLR Page 511.

We are satisfied that the statement of the Respondent had been made with the deliberate intention to intimidate the Judges of the Apex Court in this country in order to obtain an order he had desired i.e., to get this Court to reverse the judgment it had already pronounced. The said action on the part of the Respondent is not an accidental or random one but a deliberate and a planned one calculated to somehow obtain the order he had desired. He had done it deliberately, on his own volition leaving no room for anyone else to stop him.

The Respondent, had pleaded not guilty to the offence when Court served a copy of the Rule and read it out to him at the first occasion. This means that the Respondent had neither remorse nor regret for his statement at least as at that date. However, when Court took this matter up for inquiry on 8th September 2022, he withdrew his earlier plea of not guilty and tendered a plea of guilty in respect of the charges in the Rule against him. It was thereafter that the learned President's Counsel who appeared for him submitted that he truly repents his action of making the relevant statement. Be that as it may, we have considered all the factors urged before this court by the learned President's Counsel who appeared for the Respondent as well as the learned Deputy Solicitor General.

In all the circumstances of this case, we are of the view that Court should not treat the statement made by the Respondent lightly. Such a course of action is not warranted by any yardstick.

Considering all the circumstances, we decide to sentence the Respondent to a term of four (04) years Rigorous Imprisonment and a fine of Rupees three hundred thousand (Rs. 300,000/=) with a default sentence of 06 months Rigorous Imprisonment. Registrar is directed to take all necessary steps to implement this punishment.

The Respondent who is an Attorney-at-Law now stands convicted and sentenced. Thus, we direct the Hon. Attorney General to draft a Rule to be issued against the Respondent Attorney-at-Law in terms of the relevant provisions in the Judicature Act. We also direct the Registrar of this Court to forward to Hon. Attorney General, certified copies of the relevant documents to enable the Hon. Attorney General to draft the said Rule against the Respondent Attorney-at-Law. In order to implement the above direction by Court, we further direct the Registrar of this Court to take necessary steps to institute proceedings against the Respondent Attorney-at-Law under a new SC Rule

case number by opening a case record under new SC Rule No. and mention that case in Open Court.

JUDGE OF THE SUPREME COURT

S. Thurairaja PC J

I agree,

JUDGE OF THE SUPREME COURT

E. A. G. R. Amarasekara J

I had the opportunity of reading the draft order written by His Lordship Justice Surasena.

I agree with the following views expressed or implicit in the said draft order;

a) That the statement made by the Respondent was aimed to create an image in the eye of the public that our administration of justice system is unreliable and cause travesty of justice;

b) That the said statement undermines the very foundation of our criminal justice system and affects the sustainability of our criminal justice system unless this court promptly and appropriately step in and take necessary measures to prevent such harm. With all due respect to his Lordship's views, I also intend to add my views as expressed below;

Even though, this court has no jurisdiction to revise a judgment pronounce by it, it appears from the context of the said statement was made, the Respondent was trying to create an impression in the minds of the people that the pronouncement made by this court should be reversed and if not, the judges of this court including the Chief Justice should be jailed. Being a Lawyer, he should have known the finality of the decision of this court and how those decisions are being made after hearing the relevant parties. Thus, clearly the impugned statement was made to bring this court

to disrepute and to indicate that this court is not competent and is comprised of judges who should be punished. The effect of the statement is targeted to destabilize the faith the public has in this court. The statement is thus intended to interfere with the administration of justice by this court.

Further, the relevant part of the statement quoted in the Rule has been taken from a statement made during a press conference and the said full statement apparently give the impression that the decision made in the relevant murder case is politically influenced decision which lacks impartiality. Thus, this statement had the potential of inciting certain politically motivated people to cause harmful acts against the administration of justice system including this court and the judges involved in decision making, though such things did not happen. Thus, as my brother judge observed, we should not treat this statement lightly.

An attack on the honesty and the impartiality of the judiciary has always been held to be contempt- see **Hewamanne V de Silva (1983) 1 Sri L R 1 at 97**. However, there is nothing before us to say that the Respondent's statement was a fair comment. Further, **In the matter of proceedings for contempt of Court, against Dr. S. Abeykoon reported in The Bar Association Law Journal Reports [1995] Vol.VI Part I**, it was held that Contempt of Court may be said to be constituted by any kind of conduct that tends to bring the authority and administration of law into disrespect or disregard or to interfere with or prejudiced parties, litigants, or their witnesses during litigation. It was further held that intention to interfere with the proper administration of justice is not an essential ingredient of the offence of contempt of Court, but it is enough if the action complained of is inherently likely so to interfere. Moreover, there it is quoted from **Aiyar "Law of Contempt"** that it is the evil tendency of the act, rather than the mental element by which it is accompanied that makes it an offence.

Hence, whatever the angle we look at the statement made by the Respondent it constitutes the offence of Contempt.

In **The Matter of Proceedings Against an Attorney-At-Law for Contempt of Court (1983) 1 Sri L R 243 at 251**, this Court has highlighted the following principles in this respect.

"(a) that the object of discipline enforced by Courts in case of contempt is not to vindicate the dignity of the members of the Court, but to prevent undue interferences with administration of justice, in the interest of the public in general. In Re Johnson (1887) 2 QBD 68; Packer V Peacock 13 Commonwealth Law Reports 577.
(b) that the power to punish for contempt should be sparingly used only from a sense of duty and under the pressure of public interest, not so much to punish the particular offender as to deter like conduct in the future. Aiyar "Law of Contempt of Courts, Legislature and Public servants" p535 and McLeod V St Aubyan (1899) AC 549.
(c) that the power to punish summarily for contempt should be used with circumspection where it is absolutely necessary to do so, in the interest of justice, and to ensure that public confidence in the Courts will not be undermined."

Article 105(3) of the Constitution has vested this court with the power to punish contempt with an imprisonment or fine or both as the Court may deem fit. No specific punishment or upper or lower limit of a punishment has been prescribed. The legislature has left it to the Court to decide. It is understood as the nature of contempt may vary from a trivial one, where a warning from the court may suffice, to a profoundly serious one that may have been intended to challenge the fundamental supremacy of the rule of law the courts are bound to uphold. In the matter of **Dr. S Abeykoon** referred to above, this Court has stated that in both England and India the punishment for contempt is regulated by statute. This court has further observed that in England, superior courts have power to give imprisonment up to 2 years while there is no limitation for the fine that can be imposed. It is stated in that decision that the maximum imprisonment for contempt that can be given by an inferior court in England is limited to one month and the fine may be extended up to £500. In India, as per the said decision, the punishment appears to be simple imprisonment that may extend to 6 months or a fine which may extend to Rs.2000. These references were made in 1995. However, it appears our legislature had thought otherwise. The

Judicature Act has vested District Courts with powers to impose simple or rigorous imprisonments up to 2 years or a fine up to Rs.2500 and Magistrate Courts with power to impose simple or rigorous imprisonment up to 18 months or a fine not exceeding Rs.1500.00- vide section 55 of the Judicature Act. Furthermore, the Judicature Act has vested High Courts with powers to impose simple or rigorous imprisonment up to five years and/or to a fine up to five thousand rupees- vide section 18 of the Judicature Act. Thus, when Article 105(3) empowers our superior courts to impose an imprisonment or fine or both as the Court deems fit, it is logical to think that the legislature considered to empower superior courts with powers to impose punishment which may be harsher than the punishments that can be given by courts below if the circumstances demand such punishments. In fact, in **Chandradasa Nanayakkara V Liyanage Cyrill (1984) 2 Sri L R 193** Court of Appeal imposed a deterrent punishment of 7 years. However, it was a case where the person charged with contempt of court had forcibly entered the chambers of the magistrate and threatened to kill or cause bodily harm to the Magistrate. There it was held as follows;

"Of all contempts committed against the lawful authority of courts of law the most heinous are those which involve actual or threatened injury to the person of a judge with view to intimidating him into revoking or altering an order or decision made by him in the discharge of his judicial duties. The outrageous nature of the acts committed by the respondent constitutes not only an afront to the dignity and authority of the court but also a direct challenge to the fundamental supremacy of the law itself. It is a type of contemptuous conduct which appeared to us to be unprecedented in the annals of courts of this country. It is absolutely imperative that such conduct, whenever or whatever court it occurs, should be dealt with speedily, firmly and unmercifully. People like respondent who have but scan respect and regard for law and order and the courts of the land must be made to realise that the arm of the law is sufficiently long and sufficiently strong to repel any attempts at undermining the authority of courts. It is our duty in situations such as have arisen in the instant case to uphold and vindicate not the personal reputation of the holder of particular office, but the sanctity and supremacy of authority of courts so as to secure the

preservation of law and order and to ensure the protection of the future administration of justice."

The above indicates that our courts considered even long-term imprisonment for contempt when the circumstances demand such imprisonments. However, the perusal of decisions of our courts on contempt of courts show that the punishments vary according to the factual background in each case from warnings, fines and simple imprisonments to long term rigorous imprisonments or combination of such punishments.

In the above backdrop now, I prefer to consider facts that mitigate or aggravate punishments.

Aggravating circumstances

- The statement made by Respondent defames the Judges of the lower court as well as the judges of the Supreme Court who were involved in the decision making which can be considered as an attack on the honesty and impartiality of the judiciary. The said statement is an afront to the dignity and authority of the Court and it is a challenge to the supremacy of law. The Judges cannot go on making public statements in reply unless such actions are properly dealt with in an action for contempt.
- The Respondent is a lawyer and cannot be considered as a person ignorant of law or our legal system and of how a court comes to its findings. He should be aware why the dignity and sanctity of our courts should be protected and the harm that may be caused to law and order, if such dignity and sanctity is attacked. The protection of the sanctity and dignity of courts for the maintenance of law and order is for the benefit of the public. When a person knowledgeable in law makes adverse comments of our courts, people may tend to believe and accept such statements as true. Thus, the conduct of the Respondent adversely affects the faith people has on our administration of justice system.
- As mentioned above the statement referred to in the rule has to be understood in the context it was made during the press conference. It appears, when one

considers the full statement, the Respondent has attempted to give the impression that the decision in the relevant murder case was tainted with political influence. Even though no physical attack erupted due this statement, this type of statement may arouse politically motivated people to cause harm to courts and judges involved.

Mitigating Circumstances

- The Counsel for the Respondent submitted that the Respondents truly regrets his action and thus, pleads guilty. However, whether a belated apology sufficiently indicates his repentance is questionable since such a late apology may be tendered for various other reasons.
- I agree with what my brother Judge has stated regarding the period he spent in the remand prison, and I do not think that we should consider that in mitigation.
- I do not think that his service as an army officer during the civil war should be considered in mitigation to condone an attack on the judiciary which may affect law and order of the country.
- However, as it appears that he has not been convicted before and this seems to be the first conviction, I would prefer to consider it in mitigation.
- Finally, as per the submissions of the counsel, the Respondent is a father of two children and his wife is not employed at present. This court recognizes the hardships that may have to be faced by the family members, especially how it affects the upbringing of the children when the sole breadwinner is incarcerated. However, the severity of the statement made by the Respondent makes it difficult consider it in a lighter vein.
- I further foresee the issues the Respondent may have to face with this conviction as an Attorney-at-Law, since his conduct may be considered as a statement against the ethical standard expected from an Attorney-at-Law.

With all due respect to the decision of my brother judge, while keeping the principles stated in **The Matter of Proceedings Against an Attorney-At-Law for Contempt of Court (1983) 1 Sri L R 243 at 251 (Supra)** and after considering all the facts mentioned above, I sentenced the Respondent to a term of 30 months

rigorous imprisonment and a fine of Rs.300,000.00 with a default sentence of 6 months simple imprisonment. I also agree with my brother judge in directing the Hon. Attorney General and the Registrar of this Court to take necessary steps to institute proceedings against the Respondent Attorney-at- Law as this conviction relates to a conduct of an Attorney-at-Law.

JUDGE OF THE SUPREME COURT