

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

In the matter of an application for
Contempt of Court under and in terms
of Article 105(3) of the Constitution of
the Democratic Socialist Republic of
Sri Lanka.

SC Contempt 06/18
[SC RULE 03/19]

Ranjan Ramanayake
No. A5, Housing Scheme for Members
of Parliament, Madiwela,
Sri-Jayawardenapura-Kotte.
Respondent

Before: Buwaneka Aluwihare, PC. J
L.T.B Dehideniya, J
E.A.G.R Amarasekara, J

Counsel: Anura Maddegoda PC, with Ashan Fernando, Ms. Nadeesha Kannangara
and Saumya Wijesinghe instructed by Sandun Gamage for the
Respondent

Madhawa Tennekoon DSG, with Sahanya Naranpanawa SC for the
Hon. Attorney General

Inquiry on: 25.03.2022

Written submissions; 23.05.2022

Decided on: 07.06.2022

Aluwihare PC, J

Proceedings were initiated against the Respondent, Ranjan Ramanayake [hereinafter referred to as the Respondent] in terms of Article 105(3) of the Constitution and a Rule was issued in terms of the said Article, calling upon the Respondent to show cause as to why he should not be punished for the offence of contempt of court.

The Rule was read out to the Respondent on 30th July 2019 to which the Respondent pleaded not guilty.

When this matter was taken up for inquiry on 5-03-2022, the learned president's counsel for the Respondent intimated to the court that the Respondent wish to withdraw the earlier plea of not guilty and that he wishes to plead guilty to the Rule.

The court questioned the Respondent in person and he affirmed that he wishes to withdraw his earlier plea of not guilty and to plead guilty to the Rule. Questioned by the court, the Respondent said that he took this decision on his own volition.

Accordingly, the plea of guilt was recorded and the court proceeded to convict the Respondent for the offence of contempt of court.

It is alleged that the Respondent whilst taking part in a television programme titled "Wada Pitiya" telecast over the channel "Derana", made the following utterance in reference to a case pending before the Supreme Court;

““ ඒ 3 (three) බෙන්ච් අධිකරණයෙන් වාරණ නියෝගයක් දාලා තියෙනවා. දැන් ආරංචියක් තියෙනවා ඒක 5ට යනවා, 5ට ගියත් තුනක් මෙහෙට දෙකක් එහෙට හින්දා තීන්දුවේ වෙනසක් නොවේවි ය කියා.....”

The respondent in making the said utterance had said that according to a source, the matter would be referred to a bench of five judges and the decision would be a divided one, three judges holding a particular view and the other two a different view, clearly implying that the issues in the case had already been determined by the judges, even before the case had been heard.

It was pointed out on behalf of the Respondent that the utterance was speculative, based on the ‘information’ the Respondent had received [“ආරංචියක් තියෙනවා”] and not a view entertained by him.

Despite the statement, in essence, being one of speculation, still it clearly conveys the message that the judges had made up their minds, even before the case had been heard, as to what the determination of the court ought to be. Creating such an impression in the minds of the public, would undoubtedly, have an adverse effect on the credibility of the institution and more so on the trust the public reposes in the administration of justice.

As such this court is of the view that this matter should be visited with utmost seriousness, particularly considering the fact that the statement was made without any basis whatsoever.

We observe that every citizen of this country has a duty to protect the integrity of the system of administration of justice. Any erosion of public trust in the system can have serious consequences for the well-being of society.

Pleading in mitigation it was submitted on behalf of the Respondent that in the course of the television programme in question, the Respondent expressed that he has a positive impression of the Supreme Court, particularly after the Chief Justice said in his speech [at the ceremonial sitting to welcome him] that the people have a right to

criticise the judgements of the Supreme Court. It was the contention of the learned President's Counsel that the statement made by the Respondent relating to the Supreme Court must be considered in its entirety to appreciate the context in which it was made and that he did not intend to insult or to bring the Supreme Court into disrepute.

The learned President's Counsel invited court, in deciding the sentence to be imposed, to consider the fact that the Respondent has made a tremendous contribution to the film industry of this country and due to his acting skills, the Respondent had won several coveted awards such as Sarasaviya, Slim Nielsen, Signis Salutation and Derana Awards.

It was also pointed out that the Respondent is a vocal, social and a political activist who has been the voice of the voiceless people and a leading campaigner against social injustice. The learned President's Counsel also invited the court to consider the fact that, without proceeding to an inquiry, the Respondent expressed an unqualified plea of guilt to the Rule and in his own word expressed remorse and regret over the words he uttered in reference to the Supreme Court.

Thus, it was submitted, that the Court should show magnanimity, and the learned Counsel cited the case of **In Re Prashant Bhushan and another Contempt Petition (CRL) No.1 of 2020** where the Supreme Court of India taking into account that the utterances were made bona fide and the subsequent expression of regret, imposed a nominal punishment by imposing a fine of Rs. 1/- on the contemnor.

In this matter, the Respondent, having pleaded guilty to the Rule [offence of Contempt of Court] , has expressed penitence, remorse and deep regret regarding the impugned statement. We have also considered the other mitigatory factors urged before this court on behalf of the Respondent.

Accordingly, we impose a sentence of 2 years imprisonment on the Respondent. Acting, however, in terms of Section 303 of the Code of Criminal procedure Act No.

15 of 1979 [as amended] the sentence imposed on the Respondent is suspended for a period of five years with effect from today.

JUDGE OF THE SUPREME COURT

JUSTICE L.T.B. DEHIDENIYA

I agree

JUDGE OF THE SUPREME COURT

JUSTICE E.A.G.R. AMARASEKARA

I agree

JUDGE OF THE SUPREME COURT