

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

In the matter of an application under  
and in terms of Article 126 of the  
Constitution of the Democratic  
Socialist Republic of Sri Lanka.

Poorna Mayura Kankanige,  
'Jaliya Sevana' No 363 Udupila,  
Delgoda

**Petitioner**

**Vs**

**SC/FR/Application No. 160/2014**

1. Police Sergeant No. 24141 Senadheera,  
Police Station, Bandaranaike Memorial  
International Conference Centre,  
Colombo 07.
2. Police Constable No. 70825  
Jayawardena,  
Police Station, Bandaranaike Memorial  
International Conference Centre,  
Colombo 07.
3. Police Constable No. 77341 Ruwan  
Police Station, Bandaranaike Memorial  
International Conference Centre,  
Colombo 07.
4. Inspector of Police Attharagama  
Officer-in-Charge  
Police Station, Bandaranaike Memorial

International Conference Centre,  
Colombo 07.

5. N. K. Illangakoon,  
Inspector General of Police  
Police Head Quarters,  
Colombo 01.
6. The Hon. Attorney General,  
Attorney General's Department,  
Colombo-12.

**Respondents**

Before : Priyantha Jayawardena PC, J  
Achala Wengappuli, J  
Arjuna Obeyesekere, J

Counsel : Shantha Jayawardena with D.D Silva for the petitioner  
Canishka Witharana with H.M Thilakaratne for the 1<sup>st</sup> respondent  
Saman Galappatti for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents  
Sajith Bandara, SC for the 5<sup>th</sup> and 6<sup>th</sup> respondents

Argued on : 18<sup>th</sup> January, 2022

Decided on : 29<sup>th</sup> February, 2024

**Priyantha Jayawardena PC, J**

***Facts of the application***

The petitioner filed the instant application stating that his Fundamental Rights guaranteed under Articles 11 and 12(1) of the Constitution were infringed by the aforementioned respondents.

The petitioner was twenty three years of age at the time of the alleged incident and was a student of the 'City School of Architecture'. It was stated that he was an 'Ordinary rating' in the Sri Lanka Volunteer Naval Force and a member of the water polo team of the Sri Lanka Navy.

Further, an exhibition was organized by the Sri Lanka Institute of Architects at the Bandaranaike Memorial International Conference Center (hereinafter referred to as 'BMICH') from the 22<sup>nd</sup> to 26<sup>th</sup> of February, 2012. The petitioner stated that the City School of Architecture at which he was studying had a stall at the said exhibition and the petitioner was one of the students in charge of the said stall. The petitioner further stated that during the exhibition he and the other students who were working at the stall entered and exited BMICH through 'Gate No 03' on a pass issued by the management of the BMICH.

The petitioner stated that the exhibition ended at 10.00 p.m. on the 26<sup>th</sup> of February, 2012. Thereafter, the petitioner along with two of his friends, loaded part of the equipment from their stall into the lorry belonging to the petitioner's father and left BMICH along with another lorry carrying equipment from their stall through Gate No. 03.

After the goods were unloaded, both vehicles returned to BMICH to collect the rest of the equipment from the stall as the management of BMICH wanted the equipment cleared out before the next day. Thereafter, the other lorry entered BMICH through Gate No. 03 ahead of the petitioner's lorry.

However, when the petitioner attempted to follow the other lorry into the said premises, he was stopped at the gate by the 1<sup>st</sup> respondent. The petitioner stated that he showed the 1<sup>st</sup> respondent a pass and his student identity card issued by the City School of Architecture. However, the 1<sup>st</sup> respondent refused to allow the petitioner to enter the premises with that particular pass. Hence, the petitioner parked his lorry on the side of the road and got down from it and walked in through the gate. Thereafter, he gave a telephone call to the management of the City School of Architecture to inform them of the refusal by the 1<sup>st</sup> respondent to take his lorry inside BMICH.

While the petitioner was attempting to contact the management of the City School of Architecture, he observed that the 1<sup>st</sup> respondent was walking towards the conference center. The petitioner further stated that while he was on the telephone, the 1<sup>st</sup> respondent came back and closed the gate preventing the petitioner from leaving the BMICH compound.

The petitioner stated that thereafter, the 1<sup>st</sup> respondent came up to the petitioner and asked him “who do you think you are, to call all sorts of people?”. The petitioner had informed the 1<sup>st</sup> respondent that he attempted to call the management of the City School of Architecture. Thereafter, 1<sup>st</sup> respondent suddenly slapped the petitioner on the face. The petitioner then held the hand of the 1<sup>st</sup> respondent and told him, “uncle, don’t hit me. I have done nothing wrong”. The 1<sup>st</sup> respondent then pushed the petitioner and tried to slap him again. As the petitioner fell down, the 1<sup>st</sup> respondent also lost his balance and fell on the petitioner.

The petitioner further stated that when he was on the ground, he saw the 2<sup>nd</sup> and 3<sup>rd</sup> respondents who were wearing traffic uniforms and some other persons dressed in civilian clothing come towards him. Thereafter, the 2<sup>nd</sup> respondent who was wearing shoes came up to the petitioner who was lying on the ground and kicked the petitioner’s head with his foot while the 3<sup>rd</sup> respondent assaulted him. The petitioner stated that he pleaded with the 2<sup>nd</sup> and 3<sup>rd</sup> respondents not to hit him.

Moreover, there were two persons dressed in a yellow t-shirt and a black t-shirt who came with the 2<sup>nd</sup> and 3<sup>rd</sup> respondents and assaulted the petitioner with clubs. Thereafter, his two friends who were in the other lorry came running towards him. However, the two persons who were assaulting him prevented them from intervening.

The petitioner stated that he pleaded with his attackers not to hit him. However, he stated that they dragged him by his legs to the security hut. Thereafter, they closed the door of the said hut and pushed him to the ground facing him downwards and bound his hands and legs tightly with a thick elastic cord. Moreover, the 1<sup>st</sup> to 3<sup>rd</sup> respondents along with the two other men dressed in civilian clothing assaulted the petitioner. The petitioner stated that he also heard the person dressed in a yellow t-shirt saying, “it is better to kill this fellow here”.

Whilst the petitioner was being assaulted in the security hut, another unknown person entered the said hut and informed them to stop assaulting him, as the 4<sup>th</sup> respondent (the OIC) was approaching the said security hut. After the 4<sup>th</sup> respondent entered the said hut, the 1<sup>st</sup> respondent immediately informed him that the petitioner pushed him to the ground and assaulted him.

The 4<sup>th</sup> respondent inquired as to whether anyone saw the incident and the two friends of the petitioner informed him that the petitioner was assaulted by the 1<sup>st</sup> respondent and others, and

they did not know the reason for it. Then, the 4<sup>th</sup> respondent slapped one of the petitioner's friends and asked them to leave if they did not know what happened.

Thereafter, the petitioner stated that his legs and hands were untied and he was pushed into the rear portion of the jeep. Further, he stated that the 4<sup>th</sup> respondent had sat in the front seat of the jeep. Furthermore, the 2<sup>nd</sup> respondent and the unidentified person wearing a black t-shirt got into the back of the jeep with the petitioner.

The petitioner further stated that he was taken to the Cinnamon Garden Police Station where the 2<sup>nd</sup> respondent held the petitioner by the neck and dragged him into the Police Station and the 4<sup>th</sup> respondent followed them into the Police Station.

At the Minor Offences Branch, the 2<sup>nd</sup> respondent pushed the petitioner to the floor and ordered him to sit on the floor. Thereafter, an unknown policeman approached him and pointed a gun at him, asking the respondents "why did you bring him here? You should have killed him there itself" and then trampled the right hand of the petitioner with his shoe. The petitioner further stated that the said policeman slapped him on the face. The petitioner heard the 2<sup>nd</sup> respondent saying "don't hit him now. We have already assaulted him well. We will take care of him later tonight".

Thereafter, the Principal of the City School of Architecture arrived at the Police Station and spoke to the petitioner on the events that took place and the petitioner who was in extreme pain told him with the greatest difficulty what had transpired. The principle then spoke to the police officers who were at the Police Station and left. The petitioner's parents were informed of his plight by his friends and they arrived at the police station. However, when his parents arrived, he was in a semi-conscious state and was unable to speak to them.

Afterwards, the petitioner vaguely remembered hearing that he was to be taken to the J.M.O. and was lifted and put into a vehicle where his father was also present. He stated that he was then taken to a doctor. However, he did not examine the petitioner but gave a 'chit' to the police officer to have the petitioner admitted to the hospital. The petitioner stated that he had no recollection of the events that took place later that night and he was informed by his parents that he was taken to the Colombo National Hospital where he was admitted to the 'accident ward'. The petitioner further stated that he remembers being on a trolley to which one of his hands was handcuffed and two policemen were guarding him.

Thereafter the petitioner was admitted to ward No. 72 of the said hospital on the 27<sup>th</sup> of February, 2012 at 1.55 a.m. and a series of medical tests, including X-rays were taken by the said hospital. Further, on the same day a Judicial Medical Officer examined the petitioner. A Magistrate also visited the petitioner and he informed the said Magistrate about his injuries and showed him the wounds he had sustained.

On the 27<sup>th</sup> of February, 2012 (on the same day) in the evening, the petitioner was transferred to ward No. 32 of the National Hospital and was handcuffed to the bed in the said ward. Further, on the 29<sup>th</sup> of February, 2012 a Magistrate visited the ward and remanded the petitioner until the 2<sup>nd</sup> of March, 2012. However, on that day, the learned Magistrate enlarged the petitioner on bail. Thereafter, the petitioner was discharged from the National Hospital on the 5<sup>th</sup> of March, 2012.

The petitioner also stated that on the 27<sup>th</sup> of February, 2012 his father made a complaint to the Human Rights Commission regarding the assault and torture of the petitioner by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents. Thereafter, the Human Rights Commission assigned No. HRC/955/12 to the said complaint. The petitioner's father also complained to the Police Head Quarters 'Sahana Mediriya' on the 27<sup>th</sup> of February, 2012 regarding the assault of the petitioner by the BMICH Police.

Subsequently, the petitioner produced the diagnosis card issued by the hospital which shows *inter alia*, subconjunctival hemorrhage and ecchymosis on the right-side of the eye and an undisplaced fracture of the right side fronto-zygomatic suture. Further, the medico-legal report referred to seven injuries on the petitioner, one of which was a fracture of the right fronto-zygomatic suture, which is considered as a 'grievous injury' as defined by section 311 of the Penal Code.

In addition to the physical injuries suffered as a result of the assault on the petitioner by the 1<sup>st</sup> to 4<sup>th</sup> respondents, he stated that he also suffered severe psychological trauma. The petitioner stated that he was examined by Dr. Neil Fernando, Consultant Psychiatrist at the National Hospital of Colombo on the 14<sup>th</sup> of March, 2012 and on 21<sup>st</sup> of March, 2012. Dr. Neil Fernando by his report dated 21<sup>st</sup> of March, 2012 informed the J.M.O that the petitioner 'had psychological evidence of trauma' which may progress to 'post-traumatic stress disorder'.

The petitioner further stated that he became aware that the OIC of the Cinnamon Garden Police Station had filed a case bearing No. B-8711/01/11 in the Chief Magistrates' Court of Colombo

alleging that the petitioner assaulted a police officer. Further, the said case was still being called in the Magistrates' Court of Colombo as it was referred to the Attorney General's Department for advice.

Furthermore, the petitioner stated that he made a written complaint dated 19<sup>th</sup> of March, 2012 regarding the assault by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents to the Human Rights Commission of Sri Lanka, the Chairman of the National Police Commission and the 5<sup>th</sup> respondent.

On the 14<sup>th</sup> of September, 2012 the petitioner received a letter from the Officer in Charge of the 'Sahana Mediriya' of the office of the Inspector General informing him that his complaint was referred to the Deputy Inspector General of Police of the Colombo District and an inquiry was conducted in which it transpired that the petitioner had been remanded by the learned Magistrate on charges of assaulting a police officer and that further inquiries will be conducted on the matter. The petitioner however stated that no further steps were taken by the 5<sup>th</sup> respondent with regard to the complaint of the petitioner.

Thereafter, the petitioner stated that the Human Rights Commission of Sri Lanka held an inquiry into the complaint of the petitioner and by its decision dated 12<sup>th</sup> of May, 2014 found that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents violated the petitioner's rights guaranteed to him by Articles 11 and 12 of the Constitution and ordered to pay a sum of Rs. 1,000,000 as compensation to the petitioner.

The petitioner further stated that the Human Rights Commission ordered that a copy of its findings be transmitted to the 5<sup>th</sup> and 6<sup>th</sup> respondents. The decision of the Human Rights Commission was posted to the petitioner's father under registered cover on the 21<sup>st</sup> of May, 2014 and it was received on the 23<sup>rd</sup> of May, 2014. Furthermore, the petitioner stated that the 5<sup>th</sup> respondent has not taken any action with regard to the decision of the Human Rights Commission of Sri Lanka to date. Further, the 5<sup>th</sup> respondent failed to act on the complaints made to them by the petitioner.

The petitioner in his petition sought to challenge *inter alia*, the arbitrary arrest, detention, the torture, cruel and degrading punishment meted out to him by the 1<sup>st</sup> to 4<sup>th</sup> respondents and the failure on the part of the 5<sup>th</sup> respondent to take action regarding the torture of the petitioner while in police custody.

### ***Objections raised by the 1<sup>st</sup> respondent***

The 1<sup>st</sup> respondent filed objections and stated that he was a Police Sergeant working at the Police Station at BMICH. He further stated that it is an important location where special security is needed and therefore, a separate police post was established at the BMICH premises in order to guard the said premises. It was also stated that stringent traffic controlling measures were implemented at the said premises in order to ensure the security of the public who enter the premises and also to ensure smooth traffic flow within the said premises without any congestion.

The 1<sup>st</sup> respondent stated that on the 26<sup>th</sup> of February, 2012 he assumed duty at 'Gate No. 3' situated at Sarana Road, Colombo 07 at around 10.00 p.m. He further stated that since it was the final day of the said exhibition, Gate No. 3 was allocated to the vehicles which were coming to clear the goods brought inside for the said exhibition and a large number of heavy vehicles were lined up outside the said gate to enter the BMICH premises.

Due to security reasons and space available within the premises, only a limited number of vehicles were allowed to enter the premises at a given time. Thus, the vehicles which were lined up outside Sarana Road were allowed to enter the BMICH premises after departure of vehicles which were inside the premises.

The 1<sup>st</sup> respondent further stated that when he assumed duties, there was a long queue of vehicles including lorries, trucks and cabs outside the gate which were waiting for their turn to enter the premises and he was controlling the vehicle inflow to the BMICH premises where he allowed the vehicles to enter according to the order in the queue. He further stated that the entrance of the gate was always kept clear in order to allow the vehicles to exit the premises. Furthermore, vehicles waiting to enter the premises were kept at a distance so that the entrance would not be blocked for the exiting vehicles.

However, during this time the petitioner came in his lorry disregarding the queue and stopped the lorry in front of the gate and blocked the entrance. The petitioner then informed the 1<sup>st</sup> respondent to allow him to take his vehicle inside the said premises. At that time, the 1<sup>st</sup> respondent informed the petitioner that he could not be allowed to enter the said premises disregarding the others in the queue, as they were waiting for a long time to enter the said premises. Hence, the petitioner was ordered to join the queue of the vehicles waiting to enter



the BMICH premises. However, the petitioner refused to do so and insisted that he be permitted to enter the premises out of turn, claiming that he was a Naval Officer.

Further, the 1<sup>st</sup> respondent also requested the petitioner to move his vehicle from where it was parked since his lorry was obstructing the exiting vehicles. However, the petitioner disregarded and disobeyed the said directions given by him and he got down from his vehicle without moving it.

Thereafter, the petitioner insisted that the 1<sup>st</sup> respondent open the gate for him to take the lorry inside. The 1<sup>st</sup> respondent stated that the petitioner became violent and abused him by grabbing his uniform and punching him in the face. As a result, both of them lost control and fell down and thereafter, the petitioner assaulted him.

The 1<sup>st</sup> respondent stated that he was forty eight years of age at the time of the incident and hence, he was unable to control the violent behavior of petitioner. Therefore, he called for help through his walky talky.

Meanwhile, the drivers of the other vehicles who were waiting outside the gate got agitated and came there and pulled the petitioner away from the 1<sup>st</sup> respondent. The 2<sup>nd</sup> respondent who heard the call for help over the radio communication and the 3<sup>rd</sup> respondent who saw the incident arrived at the scene and apprehended the petitioner. The 1<sup>st</sup> respondent stated that H.A.S. Indrajith attached to a private security service, who was working at the same gate along with him, witnessed the entire event. Thus, a statement was recorded from him and it was produced along with his objections. The 1<sup>st</sup> respondent also stated that he was severely assaulted by the petitioner and therefore, he was admitted to the National Hospital of Colombo.

Furthermore, later he became aware that the petitioner was a person with a violent character and he was charged before the Magistrates' Court of Colombo on a previous occasion on charges of assault and robbery. He also stated that he had an unblemished career in the Police Department and he would never assault a young boy of the age of 21 years. He stated that it was the petitioner who assaulted him after having disobeyed his orders.

In the circumstances, the 1<sup>st</sup> respondent denied the arbitrary arrest, detention, torture, cruel or degrading treatment of the petitioner as alleged in the petition.

### ***Objections of the 2<sup>nd</sup> and 3<sup>rd</sup> respondents***

The 2<sup>nd</sup> and 3<sup>rd</sup> respondents stated that they did not arrest the petitioner nor was the petitioner subjected to cruel, inhuman and degrading punishment by them.

The said respondents stated that they heard the 1<sup>st</sup> respondent calling over the walky-talky saying 'he is being assaulted and that there is a situation he cannot control' and pleaded 'assistance from other police officers'. Having heard the said message, they rushed to the scene. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents stated that when they reached the scene, they saw the petitioner on top of the 1<sup>st</sup> respondent, attacking him while the public was shouting 'do not hit the police officer'.

Moreover, it was stated that a few civilians dragged the petitioner away from the 1<sup>st</sup> respondent and the petitioner ran out of the gate to avoid being attacked by the civilians. At that time, he slipped and fell on the pavement.

The said respondents stated that, once they took control of the petitioner, they handed him over to the OIC of the BMICH Police Post. Thereafter, the petitioner was handed over to the Cinnamon Gardens Police station. Therefore, he was produced under case No. B 8711/01 in the Magistrates' Court Colombo.

The respondents admitted that the Human Rights Commission had given its decision dated 12<sup>th</sup> of May, 2014. However, the respondents stated that they had not meted out cruel, inhuman or degrading punishment or treatment on the petitioner and therefore, have not violated any Fundamental Rights of the petitioner.

### ***Did the respondents infringe the Fundamental Rights of the petitioner?***

#### ***Medical Evidence***

The 'Diagnosis Ticket' marked as 'P4' produced along with the petition, shows that the petitioner was treated for 'Sub- Conjunctival Hemorrhage' and 'Ecchymosis' on the right-side eye and an 'undisplaced fracture' of the right side of fronto-zygomatic suture. Further, in the Medico-Legal Report issued by Dr. M.R.O. Suffyan, JMO observed the following 7 injuries on the petitioner;

- “1. Bilateral intra orbital contusion noted during my examination;*
- i. Right side measuring 6 × 2 cm*
  - ii. left side measuring 4 × 2 cm.*
- 2. During my examination I had an elicited tender swelling over the right side of the face. Medical notes revealed undisplaced fracture at the right fronto-zygomatic suture.*
- 3. Abrasion measuring 4×1 cm situated over the left lower face.*
- 4. During my examination I had observed swelling over the left upper lip associated with the inner upper lip contusion.*
- 5. During my examination I had elicited tender swelling over the left shoulder area, both calf muscles and right foot.*
- 6. Linear abrasion measuring 7 cm situated over the back of upper chest on the right.*
- 7. Tramline contusion, measuring 6×2 cm situated over back of the left lower chest.”*

Further, according to the X-ray, it revealed no fractures in the cervical spine and chest and according to medical opinion injuries 1 to 7 as mentioned above were all non-grievous injuries. Furthermore, in the Medico-Legal Report it was stated that the injuries mentioned above were all caused by a blunt weapon.

Moreover, the injuries referred to above in (2) is a grievous injury.

According to the medical report dated 21<sup>st</sup> of March, 2012 issued by Dr. Neil Fernando, Consultant Psychiatrist produced marked as ‘P6’, the petitioner “has psychological evidence of trauma”. Moreover, the said report stated that the consultant doctor recommended a regular assessment of symptoms severity, trauma focused counseling and medications to improve his symptoms, at the forensic psychiatry Unit of National Hospital of Colombo.

### ***The allegation of torture and violation of equal protection of the Law***

In the statement of objections, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents admitted their presence at the scene and taking the petitioner to the security hut at the BMICH. The petitioner submitted that he was admitted to the National Hospital of Colombo on the 27<sup>th</sup> of February, 2012 early in the morning and was discharged from the hospital on the 5<sup>th</sup> of March, 2012. Further, according to the said medical records the injuries were caused by a blunt weapon. Furthermore, the petitioner was examined by the JMO on the 27<sup>th</sup> of February, 2012 and the Medico-Legal Report stated ‘the short history given by the patient’ as;

*“Alleges to had been assaulted by a Police Officer (who was on duty) by hand to the head and same time another 10 Police Officers in civil assaulted him with wooden pole to the body and taken him into Police guard room and assaulted by another 3 Police Officers. Incident took place on 26.02.2012 10.30 pm at B.M.I.C.H Colombo.”*

Therefore, the petitioner was consistent in his narration of the incident and his version is corroborated by the medical evidence. Thus, he satisfied the test of consistency in establishing his credibility. Moreover, the petitioner disclosed the alleged incident without any delay to the doctors at the hospital and the JMO, thus satisfied the test of spontaneity.

On the other hand, according to the 1<sup>st</sup> respondent, he was severely assaulted by the petitioner. However, according to the medical report pertaining to the 1<sup>st</sup> respondent, he had only one contusion, whereas, the petitioner had sustained severe injuries was in hospital from the 27<sup>th</sup> of February, 2012 to 5<sup>th</sup> of March, 2015. Thus, the medical evidence shows that the petitioner had been assaulted by the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

The material before court corroborates the version of the petitioner. Particularly by the medical evidence. Further, the medical reports show that the petitioner has suffered severe injuries. Such injuries could not have been caused by a fall. Hence, the version of the respondents cannot be accepted.

The Police Notice dated 26<sup>th</sup> of February, 2012 at 11.55 p.m. shows that the petitioner’s body was examined and there were no injuries to be found on the surface of his body. Hence, the petitioner was handed over to the Cinnamon Gardens Police until his matter was taken up in courts.

Article 11 of the Constitution provides as follows;

*“no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

Further, apart from the physical injuries caused to the petitioner, he suffered psychological trauma as a result of the incident under reference by the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

Hence, the injuries, the mental trauma and the pain inflicted on the petitioner amounts to an infringement of Article 11 of the Constitution.

A similar view was expressed in *Adikari and another v Amarasinghe and others (2003) 1 SLR 270 at 274* where it was held;

*“However, the fundamental rights guaranteed in terms of Article 11 are not restricted to mere physical injury. The words used in Article 11, viz. ‘torture, cruel, inhuman or degrading treatment or punishment’ would take many forms of injuries which could be broadly categorized as physical and psychological and would embrace countless situations that could be faced by the victims. Accordingly, the protection in terms of Article 11 would not be restricted to mere physical harm caused to a victim, but would certainly extend to a situation where a person had suffered psychologically due to such action.”*

Further, in *G.Jeganathan v Attorney General (1982) 1 SLR 294 at 302* it was held;

*“... where public officers are accused of violating the provisions of Article 11, the allegations must be ‘strictly proved’, for if proved they will carry ‘serious consequences’ for such officers”*

Moreover, having regard to the facts and circumstances of the said incident, I am of the opinion that the petitioner proved his case with a high degree of certainty. Accordingly, I hold that the 1<sup>st</sup> to the 3<sup>rd</sup> respondents have violated the Fundamental Rights of the petitioner guaranteed by Articles 11 and 12(1) of the Constitution.

I order the 1<sup>st</sup> to 3<sup>rd</sup> respondents to pay a sum of Rs. 30,000/- within a month from the delivery of this judgment (each of the said respondents should pay Rs. 10,000/-).

Judge of the Supreme Court

Achala Wengappuli, J

I Agree

Judge of the Supreme Court

Arjuna Obeyesekere, J

I Agree

Judge of the Supreme Court