IN THE SUPREME COURT OF THE

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an application in terms of Article 126 read with Article 17 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

SC. FR. NO. 170/2022

P. W. T. Dhanushka
No. 297-D080A,
Arukgoda,
Alubomulla,
Panadura.

PETITIONER

Vs.

1. C.D. Wickramaratne
Inspector General of Police,
Police Headquarters,
Church Road, Colombo 01.

2. SSP Nishantha De Zoysa
Director, Criminal Investigation,
Criminal Investigation Department,
Colombo 01.

3. CI Lalith Dissanayake
Officer-in-Charge, Special-Unit.
Criminal Investigation Department,
Colombo 01.

4. CI Waduge Krishantha Ruwan Kumara
Officer-in-Charge (Acting),
Police Station,
Mahawa.

5. Hon. Attorney General
Attorney General's Department,
Hulftsdorp,
Colombo 12.

RESPONDENTS

BEFORE	**:**	**P. PADMAN SURASENA, J.** **A.L. SHIRAN GOONERATNE, J. &** **MAHINDA SAMAYAWARDHENA, J.**
COUNSEL	:	Chrishmal Warnasuriya with Pramodya Thilakarathne instructed by M. I. M. Iyunullah for the Petitioner. Shaminda Wickrema, SSC for the Respondents.
ARGUED ON	:	29-04-2024
DECIDED ON	:	30-01-2025

P. PADMAN SURASENA, J.

The Petitioner named in the caption is a Sergeant of Police attached to the Police Narcotics Bureau (hereinafter referred to as the PNB).

The Petitioner alleges that he was arrested on **26-06-2020**, by the officers of the Criminal Investigations Department (hereinafter referred to as the CID) while carrying out his duties at the PNB. The Petitioner further alleges that the CID officers gave no reason for his arrest. The Petitioner has also alleged that he was thereafter detained under the Prevention of Terrorism Act No. 48 of 1979 as amended (hereinafter referred to as PTA), under three consecutive Detention Orders each of which was for ninety days. The Petitioner has produced one of the three consecutive Detention Orders marked **P 2**. The 3rd Respondent has produced the said Detention Orders marked **3 R 6**, **3 R 7** and **3 R 8**.

In contradistinction to the Petitioner's version, the position taken up by the 3rd Respondent is that the CID, on **26-06-2020**, had summoned the Petitioner to the premises of the CID. It is also the position of the 3rd Respondent that the CID arrested the Petitioner on **26-06-2020** at the Special Branch of the CID upon reasonable suspicion of his involvement in certain crimes.

Upon this Petition being supported, this Court by its order dated 23-11-2022, had granted Leave to Proceed in respect of the alleged infringements of the Fundamental

Rights of the Petitioner guaranteed under Articles 11, 12(1), 13(1), 13(2), 13(3), 13(5), 14(1)(g) and 14(1)(h) of the Constitution.

In light of the above assertions, the primary issue I have to address in this proceeding is the issue as to whether the claim by the Petitioner that he was arrested by the CID while carrying out his duties at the PNB on **26-06-2023** has been established. It is to the said issue that I would now turn.

It is the position of the Petitioner that he was suddenly *placed under arrest*,[1] by the 3rd Respondent who had accompanied several individuals clad in civil attire claiming to be from the CID. The submission of the learned Counsel who appeared for the Petitioner in the course of the hearing was that the Petitioner was arrested on 26-06-2020, while in the premises of PNB which is his own workplace as averred by the Petitioner himself at paragraph 08 of the Petition.

In order for the Respondents to make an arrest of an officer of the PNB within the premises of the PNB itself as alleged by the Petitioner, it would undoubtedly follow that the superior officers of the PNB are required to have been informed of the carrying out of such an arrest and consequently it should have been only with the permission of such superior officers or at least with their knowledge that the Petitioner could have been arrested.

However, I observe that the Petitioner has chosen not to name any PNB officer as a Respondent and also chosen not to attribute any responsibility to any PNB officer for allowing some other person to arrest the Petitioner inside the PNB premises itself. Although the Petitioner has made CI Ruwan Kumara of PNB as the 4th Respondent in his Petition, that has been done on the basis that it was his complaint which had led to initiate the investigations against the Petitioner by the CID and not on the basis that the 4th Respondent is responsible for his physical arrest and detention in PNB premises.

[1] Paragraph 08 of the Petition dated 06th May 2022.

As stated above, it is the Petitioner's stated position in this case that he was arrested while carrying out his duties in the premises of the Police Narcotics Bureau. Therefore, whoever who was instrumental in placing the Petitioner under arrest, had physically kept him in custody within the PNB premises. In such a scenario, the primary responsibility or at its least, a considerable amount of some shared responsibility for such illegal act must be placed in the hands of those who are responsible for the administration of the PNB premises for it is not the case of the Petitioner that the PNB is a part of the CID. If that is the case, why didn't the Petitioner make/name any or all officers responsible for the affairs of the PNB as persons who are responsible for arresting the Petitioner within the PNB premises. This lapse on the part of the Petitioner in my view, is fatal to the maintainability of this Petition. This is because it is those responsible for running the affairs of the PNB who would not only become responsible for such an act but would also be the best persons to explain (if such an incident had in fact taken place), the circumstances under which such incident had occurred within the precincts of the PNB. This is further aggravated by the fact that the 3rd Respondent has denied that the CID had arrested the Petitioner within the PNB premises on 26-06-2020. On the above material, I am unable to hold that the Petitioner has succeeded in establishing that the Petitioner was arrested on 26-06-2020, in the premises of PNB which is his own workplace.

As a result of the above conclusion, what prevails before me now, is only the position taken up by the CID that it had summoned the Petitioner to the CID on **26-06-2020** and subsequently arrested the Petitioner on the same day i.e., on **26-06-2020**. Thus, the next issue I have to decide in this proceeding is the issue as to whether there was any justification for the CID to cause the arrest of the Petitioner on **26-06-2020**.

Although the CID has arrested the Petitioner under the provisions of the PTA, let me first consider the power to arrest a person conferred on a Police officer under the Code of Criminal Procedure Act No. 15 of 1979. Under Section 32(1)(b) of the Code of Criminal Procedure Act, a Police Officer is authorized to arrest without a warrant, any person:

i. who has been concerned in **any cognizable offence** or
ii. against whom a reasonable complaint has been made or
iii. against whom a credible information has been received or
iv. against whom a reasonable suspicion exists of his having been so concerned.

Suffice it to state here at this stage that the 4th Respondent CI Ruwan Kumara of PNB had made a complaint to the CID disclosing that the Petitioner, with some other officers of the PNB were complicit in illicit drug trafficking which is prima facie, a ground to cause the arrest of the Petitioner even in terms of Section 32(1)(b) of the Code of Criminal Procedure Act.

As would be shown shortly in this Judgment, the power of arrest under the PTA is wider than that under the Code of Criminal Procedure Act. Section 6(1) of the PTA which is found in its Chapter *'Investigation of Offences'* and which is reproduced below, would show this difference.

Section 6(1) of the PTA.

> *Any police officer not below the rank of Superintendent or any other police officer not below the rank of Sub-Inspector authorized in writing by him in that behalf may, without a warrant and with or without assistance and notwithstanding anything in any other law to the contrary-*
>
> *(a) arrest any person;*
> *(b) enter and search any premises;*
> *(c) stop and search any individual or any vehicle, vessel, train or aircraft; and*
> *(d) seize any document or thing,*
>
> *connected with or concerned in or* ***reasonably suspected of being connected with or concerned in any unlawful activity****.*

The phrase emphasized above shows that while Section 32(1)(b) of the Code of Criminal Procedure Act has specified the threshold requirement to be a suspicion or

being concerned in **"any cognizable offence"**, Section 6 of the PTA has specified the threshold requirement to be a suspicion or being concerned in a different category of things identified as **"an unlawful activity**".

The Interpretation Section of the PTA (Section 31) has defined this term in the following manner.

Section 31 of the PTA.

> *"**unlawful activity**" means any action taken or act committed by any means whatsoever, whether Within or outside Sri Lanka, and whether such action was taken or act was committed before or after the date of Coming into operation of all or any of the provision of this Act **in the commission** or **in connection with the commission of any offence under this Act** or any act committed prior to the date of passing of this Act, which act would, if committed after such date, constitute an offence under this Act.*[2]

This means that any action taken or act committed, in connection with the commission of any offence under this Act, would be an unlawful activity. Thus, such 'action taken or act committed' although on its own may not constitute an offence (therefore would not constitute a cognizable offence in any case), would still fall under the definition of an 'Unlawful Activity', if such action taken or act committed, was done in connection with the commission of any offence under PTA.

In the case of *Dissanayaka v Superintendent Mahara Prison and others*,[3] Kulatunga, J. held as follows:

> *"The expression "unlawful activity" as defined in Section 31 of the (Prevention of Terrorism) Act is of wide import and encompasses any person*

[2] Emphasis added.
[3] 1991 (2) SLR 247, 248-249.

> *whose acts "by any means whatsoever" are connected with "the commission of any offence under this Act". **This would include a person who has committed an offence under the Act**".*[4]

Therefore, one could observe that the threshold requirement under section 32(1)(b) of the Code of Criminal Procedure Act for the existence of 'a reasonable suspicion or being concerned of any cognizable offence' has been reduced under Section 6(1) of the PTA to a threshold requirement of the existence of 'a reasonable suspicion or being connected with or concerned in any unlawful activity'. The said "unlawful activity" could be any action taken or act committed by any means whatsoever, in the commission or in connection with the commission of any offence under this Act.

Let me now consider whether the decision of the 3rd Respondent to proceed to arrest the Petitioner, in terms of Section 6(1) of the PTA could be justified.

In *Dissanayaka's* case,[5] Kulatunga, J. stated the following to highlight the importance of examining the material to decide the validity of the arrest.

> *"Nevertheless, it is for the Court to determine the validity of the arrest objectively. The Court will not surrender its judgement to the executive for if it did so, the fundamental right to freedom from arbitrary arrest secured by Article 13(1) of the Constitution will be defeated. The executive must place sufficient material before the Court to enable the Court to make a decision, such as the notes of investigation, including the statements of witnesses, observations etc. without relying on bare statements in affidavits".*

Having that in mind, let me now turn to some of the material placed before Court, by the 3rd Respondent who was the Officer-in-Charge of the Special Unit of the Criminal Investigation Department. He is the officer who had conducted the investigation into

[4] Emphasis added.
[5] Supra.

the complaint received, from the 4th Respondent (Chief Inspector Ruwan Kumara of PNB). He has filed an affidavit explaining the circumstances which led to the arrest of the Petitioner. He has also annexed all relevant documentation marked from **3 R 1** to **3 R 13**.

Let me now refer to the circumstances which led to the arrest of the Petitioner. It was the 4th Respondent CI Ruwan Kumara of the PNB who had disclosed that several officers who were attached to the PNB were complicit in illicit drug trafficking and weapons dealings. It was on that basis that the CID had summoned the Petitioner to the CID on 26-06-2020 and conducted preliminary interrogations. This was because the CID had found the contents revealed from CI Ruwan Kumara's statement credible. It was on that basis that the CID had proceeded to arrest the Petitioner as the CID officers had entertained a reasonable suspicion upon preliminary interrogations that the Petitioner was concerned with some unlawful activities within the meaning of the PTA.

In order to substantiate this claim, copies of the notes made by Sergeant 8175 Palitha and Sub Inspector of Police Kavinda Wickramarachchi have been produced before Court, marked **3 R 2**. The 3rd Respondent has further produced the letter of authorization (**3 R 3**) issued in terms of Section 6(1) of the PTA, to cause the arrest of the Petitioner on the basis that he was reasonably suspected of being connected with or concerned in any unlawful activity within the meaning of the PTA.

In order to substantiate the claim that the Petitioner was made aware of the reasons for the arrests, the 3rd Respondent has further produced the document, marked **3 R 4**, which is a receipt of the arrest issued to the Petitioner at the time of arrest.

The note (**3 R 4**) reveals that the Petitioner is alleged to have maintained ties with one Gihan Fonseka (said to be a close associate of Makadura Madush, whom he says is an infamous member of an organized crime group) and other drug traffickers in remand. The 3rd Respondent has further averred in his Affidavit (as substantiated by **3 R 4**), that the preliminary investigations had disclosed that apart from large scale

drug trafficking, the Petitioner was also involved in/connected to several illicit activities including collecting weapons through organised crime groups, abetment/ planning to commit murders, inflicting death threats on investigating officers, promoting terrorism, financing or abetting to finance terrorism.

The CID had conducted a search of the Petitioner's residence on 28-06-2020. The CID investigators led by the 3rd Respondent and along with one Inspector of Police Dayananda and Police Sergeant 52961 in addition to several other officers attached to the CID in the course of that search, had taken into custody, several items from the residence of the Petitioner. It was on that material that the CID had proceeded to obtain Detention Orders in terms of Section 7 of the PTA. The 3rd Respondent has produced the first Detention Order to detain the Petitioner for ninety days from 29-06-2020, marked **3 R 6**.

The Petitioner himself has produced a list of items seized from his residence by the CID team upon the said search. This list is contained in the document produced by the Petitioner, marked **P 6**. The list includes items such as;

i) Several pen drives
ii) An external hard drive
iii) Several sim cards.

However, the Petitioner does not make any attempt to explain the reasons for having in his possession such items.

Furthermore, as per the 3rd Respondent, further investigations have revealed that the Petitioner was, inter alia, involved in the following suspicious/ illicit activities:

- Abetting the transportation of 43 kilograms of Heroin and weapons (4 Pistols).
- Trafficking Heroin by distributing bags of Heroin to traffickers.
- Facilitating an action of an informant of the PNB to bring to shore, a boat transporting 273 kilograms of Heroin which broke down at sea.
- The Petitioner, having served as Chief Production clerk of the Production room at the PNB, was found in possession of a key to the Safe Box of the PNB which was discovered in the Petitioner's House.

- Following an inspection of the Production room by the Government Analyst, upon a Court order, 19 milligrams of Heroin was discovered, which did not belong to any of the productions identified with any Court case.

The above information is substantiated by the document produced, marked **3 R 11**, which is a further report submitted in relation to case No. B 35602/01/2020, before the Magistrate Court of Colombo.

Although the Petitioner has alleged that the 4th Respondent had acted mala fide in lodging the complaint against the Petitioner (**3 R 1**). I find that there is no proof of such a mala fide/ ill-motivated action attributable to the 4th Respondent.

In *Dissanayaka's* case,[6] Kulatunga, J. stated that it is not the duty of the Court to determine whether on the available material the arrest should have been made or not. This statement is included in the following excerpt taken from that Judgment.

> *"…. Where the power to arrest without a warrant is couched in the language of Section 6(1) of the PTA it is well settled that the validity of the arrest is determined by applying the objective test. This is so whether the arrest is under the normal law....., under the Emergency Regulations..... or under the P.T.A. However, it is not the duty of the Court to determine whether on the available material the arrest should have been made or not. The question for the Court is whether there was material for a reasonable officer to cause the arrest.... Proof of the commission of the offence is not required; a reasonable suspicion or a reasonable complaint of the commission of the offence suffices....."*

The facts and circumstances of this case and the absence of an explanation offered by the Petitioner as to why he had such items in his house (items found by the CID team upon search of his residence), should lead me to refrain from accepting as

[6] Supra.

truthful, the allegations made by the Petitioner against the 4th Respondent that the 4th Respondent has acted mala fide against the Petitioner. Such baseless allegations would not be strong enough to dispel the existence of the reasonable suspicion entertained by the 3rd Respondent that the Petitioner could be reasonably suspected of or be concerned in some unlawful activity within the meaning of the PTA. Moreover, I must also be mindful that the time at which the 3rd Respondent had entertained the afore-said reasonable suspicion was the time of the arrest of the Petitioner and the said reasonable suspicion was confirmed by the subsequent search conducted at the residence of the Petitioner.

While the credibility of the witnesses must be left for the trial Court, I am unable at this stage, to accept the submission of the learned Counsel for the Petitioner that the CID or PNB had fabricated evidence against the Petitioner. I have no reason not to allow the law to take its own course in this instance. In these circumstances, I hold that the arrest of the Petitioner caused by the CID is justified in terms of Section 6(1) of the PTA.

Another argument advanced by the learned Counsel for the Petitioner is that it was unlawful for the CID not to have produced the Petitioner before any Court of law up until the 23-03-2021.[7] This is, therefore, the submission made by the learned Counsel for the Petitioner that the CID had failed to produce the Petitioner before a competent Court within the time limits specified either under the PTA or ordinary law (Section 37, CCPA).

It is necessary first to reproduce here, Section 7 of the PTA which deals with the applicable law pertaining to the stage at which a person arrested under Section 6(1) of the PTA must be produced before a Magistrate.

Section 7 of the PTA:

[7] Para 20 of the Petition dated, 18-05-2022.

(1) *Any person arrested under subsection (1) of section 6 may be kept in custody for a period not exceeding seventy-two hours and shall, unless a detention order under section 9 has been made in respect of such person, be produced before a Magistrate before the expiry of such period and the Magistrate shall, on an application made in writing in that behalf by a police officer not below the rank of Superintendent, make order that such person be remanded until the conclusion of the trial of such person :*

Provided that, where the Attorney-General consents to the release, of such person from custody before the conclusion of the trial, the Magistrate shall release such person from custody.

(2) Where any person connected with or concerned in or reasonably suspected to be connected with or concerned in the commission of any offence under this Act appears or is produced before any court other than in the manner referred to in subsection (1), such court shall order the remand of such person until the conclusion of the trial:

Provided that, if an application is made under the hand of a police officer not below the rank of Superintendent to keep such person in police custody for a period not exceeding seventy-two hours, the Magistrate shall authorise such custody and thereupon the order of remand made by the Magistrate shall remain suspended for the period during which such person is in police custody.

(3) A police officer conducting an investigation under this Act in respect of any person arrested under subsection (1) of section 6 or remanded under subsection (1) or subsection (2) of this section-

(a) shall have the right of access to such person and the right to take such person during reasonable hours to any place for the purpose of

interrogation and from place to place for the purposes of investigation; and

(b) may obtain a specimen of the handwriting of such person and do all such acts as may reasonably be necessary for fingerprinting or otherwise identifying such person;

In the case of *Weerawansa v The Attorney-General and others*,[8] Fernando, J. held that if a Detention Order under Section 9(1) is obtained within 72 hours of arrest, there is no necessity to produce the detainee before the Magistrate. In Fernando J's words, it is as follows:

"If a Detention Order under section 9(1) is obtained within 72 hours of arrest, non-production before a judicial officer is excused by section 7(1)."

However, I must also mention here for the sake of completeness that in *Weerawansa's case,* Fernando, J. went on to hold that the CID had no right to keep the Petitioner in that case in custody without producing him before a Magistrate, in terms of section 7(1) as Court had not accepted the assertion by the Respondent in that case that the Petitioner had been arrested by the CID in accordance with Section 6(1) of the PTA.

As stated above, the CID had arrested the Petitioner on 26-06-2020. The CID as per Section 7(1) of the PTA has kept the Petitioner in custody for a period not exceeding seventy-two hours. Thereafter, the CID had kept him in custody till the Detention Order dated 29-06-2020 (**3 R 6**) was made in terms of Section 9 of the PTA. Thus, the said period of custody in CID has not exceeded seventy-two hours as per Section 6(1) of the PTA. Therefore, there is no violation of law by the CID in that instance.

Another argument advanced by the learned Counsel for the Petitioner is that some of the Detention Orders issued against the Petitioner are not valid. The Petitioner was detained under three consecutive Detention Orders, i.e., the detention orders dated

[8] 2000 (1) SLR 387.

29-06-2020 (**3 R 6**); the detention order dated 26-09-2020 (**3 R 7**); the detention order dated 25-12-2020 (**3 R 8**).[9]

Let me now reproduce below, Section 9 of the PTA which empowers the Minister to order detention of a person connected with or concerned in any unlawful activity.

Section 9 of the PTA (Detention Orders)

*1) Where **the Minister has reason to believe** or suspect that any person is connected with or concerned in any unlawful activity, the Minister may order that such person be detained for a period not exceeding three months in the first instance, in such place and subject to such conditions as may be determined by the Minister, and any such order may be extended from time to time for a period not exceeding three months at a time:*
Provided, however, that the aggregate period of such detention shall not exceed a period of eighteen months.

2)

(a) At any time after an order has been made in respect of any person under subsection (1), the Minister may direct that the operation of such order be suspended and may make an order under subsection (1) of section 11.
(b) The Minister may revoke any such direction if he is satisfied that the person in respect of whom the direction was made has failed to observe any condition imposed or that the operation of the order can no longer remain suspended without detriment to public safety.

In *Weerawansa's case*[10], Fernando, J. took the following view:

[9] The Petitioner has only produced the Detention Order dated 25-12-2020 marked **P 2**.

[10] Supra at page 378.

> *"Not only must the Minister of Defence, **subjectively**, have the required belief or suspicion, but there **must also be, objectively, 'reason' for such belief.**"*

I have already adverted to above, the material placed against the Petitioner. I am of the view that the said material is sufficient to pass on the objective test, the decision made by the Minister of Defence that there was sufficient basis for the issuance of the Detention Order.

The leaned Counsel for the Petitioner also advanced another argument with regard to the validity of the Detention Orders marked **3 R 6**, **3 R 7** and **3 R 8**. It is the submission of the learned Counsel for the Petitioner that it is only the Minsters of Defence who has been empowered in terms of Section 9(1) of the PTA, to make Detention Orders. It is also his submission that some of the Detention Orders [marked **3 R 6**, **3 R 7**] issued to detain the Petitioner have been signed by the President and therefore not valid in law.

I observe that the designation of the signatory of the Detention Orders marked **3 R 6** and **3 R 7**, has been mentioned on those two Detention Orders as *"President"* and the designation of the signatory of the Detention Order marked **3 R 8** has been mentioned therein as *"President and Minister of Defence".*

While it is correct that Section 9(1) of the PTA empowers the Minster of Defence to issue detention orders I cannot forget the fact that in terms of Article 44(3) of the Constitution it is always the President who must hold the portfolio of the Minister of Defence in this country.

Further, Article 44(3) of the Constitution requires that the position of the Minister in charge of the subject of Defence be filled by the President. It is as follows:

> *(3) **The President shall be the Minister in charge of the subject of Defence** and may exercise, perform and discharge the powers, duties and*

functions of any Minister of the Cabinet of Ministers or any Minister who is not a member of the Cabinet of Ministers, subject to the provisions of the Constitution, for not exceeding fourteen days during a period within which any subject or function is not assigned to any such Minister under the provisions of paragraph (1) of this Article or under paragraph (1) of Article 45 and accordingly, any reference in the Constitution or any written law to the Minster to whom such subject or function is assigned, shall be read and construed as a reference to the President:

Provided however, preceding provisions of this paragraph shall not preclude the President from assigning any subject or function to himself in consultation with the Prime Minister and accordingly, any reference in the Constitution or any written law to the Minister to whom such subject or function is assigned, shall be read and construed as a reference to the President. [emphasis added]

In *SC/SD/06/2001*, this Court in determining the Constitutionality of the Seventeenth Amendment to the Constitution, stated obiter regarding the exercise of the functions of Minister of Defence, which is as follows:

'*The relevant provision as to the exercise of the sovereignty of the People in relation to executive power is contained in Article 4(b), which reads thus:*

"executive power of the People, including the defence of Sri Lanka, shall be exercised by the President of the Public elected by the People,"

Therefore the executive power of the People including defend [sic] is exercised [by] the president of [the] Republic who is elected by the People.'

Therefore, I am satisfied that the Detention Orders have been issued by the Minster of Defence who was also the President of the Country at that time.

The condition precedent to the issuance of the Detention Order is that the issuer, the Minister of Defence, must have been satisfied that there were adequate grounds to detain the Petitioner. In the instant case, it was just the same individual who held the

posts of both the President and the Minister of Defence of the country. Therefore, irrespective of the designation written underneath the signature, it was the same individual who had signed. The said individual should have signed the Detention Orders after being satisfied that there were adequate grounds to detain the Petitioner. Therefore, the main issue for the validity of the Detention Orders would be whether there were such grounds for the issuer to detain the Petitioner in custody. This is because the person who had signed the Detention Orders was indeed the Minister of Defence. I have no basis or justification to hold the Detention Orders **3 R 6** and **3 R 7** are invalid merely because the designation of the issuer has been mentioned as the President and not as the Minister of Defence in the Detention Orders **3 R 6** and **3 R 7**. Moreover, I am of the view that this argument is so technical in nature and is not capable of persuading me to declare these Detention Orders invalid on that basis, particularly in view of the material available against the Petitioner calling for the necessity to detain him in custody pending investigation into very serious crimes.

For the foregoing reasons, I hold that the Respondents have not infringed any of the Fundamental Rights of the Petitioner guaranteed by the Constitution. In the above circumstances, the Petitioner is not entitled to succeed with his Petition. I proceed to dismiss this Petition with costs.

The Petitioner in this Petition has stated that he was placed under interdiction on the allegations some of which were discussed in the course of this Judgment.[11] However, in the course of the argument, Court was informed by the learned counsel who appeared for the Petitioner that the Petitioner has been reinstated and therefore has resumed working as a Police officer but neither the learned Counsel for the Petitioner nor the learned Senior Deputy Solicitor General has offered any explanation acceptable to Court as to how a person who is suspected to be concerned with offences of that magnitude came to be re-employed as a Police officer. I cannot forget the fact that the learned Senior Deputy Solicitor General resisted this application against granting relief to the Petitioner on the basis that there is evidence to justify both his arrest and

[11] Paragraph 20 of the Petition dated 04-03-2021.

detention. I cannot turn a blind eye to the above situation. Therefore, I direct the Inspector General of Police to look in to those matters with a view of deciding the legality/ suitability of allowing the Petitioner to continue to be employed as a Police officer. The 6th Respondent is also directed to examine the relevant facts pertaining to the aforesaid aspects and consider giving necessary advices to the Inspector General of Police.

JUDGE OF THE SUPREME COURT

A. L. SHIRAN GOONERATNE, J.

I agree.

JUDGE OF THE SUPREME COURT

MAHINDA SAMAYAWARDHENA, J.

I agree.

JUDGE OF THE SUPREME COURT