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

In the matter of an Application for Special Leave to Appeal made in terms of Article 128 read with Article 154 P of the Constitution of the Democratic Republic of Sri Lanka and the Supreme Court Rules.

Officer-in-Charge,
Criminal Investigation Unit, Police Station,
Ratnapura.

SC Appeal No.13/2023
SC(SPL) LA No.: 236/202)

Complainant

Vs.

Provincial High Court of
Ratnapura.
APL 25/2018

Wedage Ranjani,
Samangama, Karangoda,
Ratnapura.

MC Ratnapura Case No. 92688

Accused

AND

Wedage Ranjani,
Samangama, Karangoda,
Ratnapura.

Accused - Appellant

Vs.

Officer-in-charge,
Criminal Investigation Unit,
Police Station, Ratnapura.

Complainant – Respondent

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

Respondent

AND NOW BETWEEN

Wedage Ranjani, Samangama,
Karangoda, Ratnapura.

Accused - Appellant - Petitioner

Vs.

Officer-in-charge,
Criminal Investigation Unit,
Police Station, Ratnapura.

Complainant – Respondent-Respondent

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

Respondent-Respondent.

Before : A. L. Shiran Gooneratne, J.
Dr. Sobhitha Rajakaruna, J.
Menaka Wijesundera, J

Counsel : Chathura Galhena with Ms. Devmini Bulegodainstructed Viduri Silakkana for the Accused-Appellant-Appellant.
Lakmali Karunanayake, PC, ASG for the Respondent-Respondent.

Written Submissions : Written submissions on behalf of the Accused – Appellant - Appellant filed on 23.03.2026.
Written submissions on behalf of the Respondent –

Respondent filed on 31.08.2023

Argued on : 10.02.2026

Decided on : 08.05.2026

MENAKA WIJESUNDERA J.

The instant appeal has been filed to set aside judgment dated 23/4/2018 of the Provincial High Court of Sabaragamuwa, holden at Ratnapura. The accused-appellant-appellant (hereinafter referred to as the accused) had been charged in the Magistrate Court of Ratnapura, for causing grievous hurt by throwing acid to one Malmalage Chaminda Nayanajith, under Section 317 of the Penal Code. When this matter was supported for granting of leave on 19.01.2023, this Court has granted leave on the following questions of law,

1. Did the learned High Court Judge err in law by failing to consider whether the prosecution has proved its case beyond reasonable doubt?
2. Did the learned High Court Judge err in law by not giving an opportunity to the Accused - Appellant to make submissions in mitigations prior to enhancement of the sentences?

The prosecution led the evidence of the victim's father, namely Malmalage Piyasena, who stated that on 25/06/2012, his son was subjected to an acid attack. At that time, he was present in a boutique located near the scene of the incident, which occurred at approximately 7:30 p.m. By the time the father became aware of the incident, his son had already been rushed to hospital by his brother. The father subsequently visited him at the hospital, where he observed him suffering from acid burns. When he asked his son as to what had happened, he had replied saying "Ranjani paredi gahuwa". The person who had accompanied the victim had been one Sarath Kumara, who had also sustained acid burns and had been admitted in the same hospital as the victim and he also had said that Ranjani, the accused, threw the acid at them. Thereafter, the witness had said that his son had been taken to the Colombo General hospital and had received treatment for nearly one and a half months. He also had said that Ranjani, the accused, was known to him.

In cross-examination, it was suggested to the witness that his son, along with several others, had forcibly entered Ranjani's house and disconnected the

electricity supply. The witness had denied this suggestion. It was further suggested to him that Ranjani's house had been set on fire, to which he responded that he became aware of it only at a later stage. He also stated, in cross-examination, that the accused had been in hospital receiving treatment. It should be noted at this stage that no contradictions or omissions were brought to the Court's attention in the evidence of this witness.

Thereafter, the evidence of the victim had been led. He stated that on 25.06.2012 he had worked in the rubber estate along with two others and when they were returning home, they had to pass the house of Ranjani, the accused, and there had been a dog who had chased them. The victim had shouted and asked that the dog be tied. At that point, the husband of the accused had shouted and said that they do not tie dogs, and there had been an exchange of words and the accused had come out with a small container in her hand and had thrown some liquid at the victim. The contents of the container had struck his face and the naval area. Sarath kumara, who had been behind him, had also been subjected to the same attacks. The victim had felt severe burning sensations on his body and thereafter, his brother had taken him to hospital and he claims that he had been in hospital for nearly one and a half months and he had to be treated further for nearly one and a half years.

The victim had vehemently denied causing destruction to the house of the accused and has reiterated the position that it was the accused who threw the acid at them. It had also been suggested to him that he took a chainsaw in to the house of the accused and that he had said so to the police but in reply he had said that at the time he made the statement to the police that he was suffering from burn injuries and that he was losing his eyesight.

However, the police had not observed a chain saw inside the house of the accused but rather a wood chipper, which is not a handheld machine.

Apart from the above, I do not see any other contradiction or omission in the evidence of the victim.

Thereafter, the prosecution called an eyewitness, Sarath Kumara, who sustained injuries along with the victim. He corroborated the victim's account, stating that the entire incident began when a dog chased after them, which led to an exchange of words between himself, the victim and the accused's husband. During this exchange of words, he claims that the accused appellant had come near the gate and thrown some substance at their face, after which they had suffered burn injuries and injuries to their eyes.

He identified the accused in court and was cross-examined. During cross-examination, he maintained the same position as he had taken in his examination-in-chief. It had been suggested to this witness that they brought petrol to set fire to the house of Ranjani, which he had denied.

Thereafter, the prosecution had led the evidence of investigative officers, who had stated in their evidence that the accused had complained that on 25.06.2012 at 11pm there had been an acid attack on her and that she sustained injuries. Thereafter, they had visited the scene of the crime, which they had noted as the accused house, and one J. M. Sumith Seneviratne had shown them the place. They also noted that the house's electricity supply had been deliberately tampered with, and they discovered that both the accused and her husband had been admitted to the hospital. They observed numerous broken pieces of glass scattered across the floor, along with several pebbles dispersed throughout the area. They further observed a green liquid splashed across the floor, emitting an odour resembling that of an acidic substance. The furniture inside the house had also been displaced and scattered throughout the premises, indicating signs of disturbance. (page 87 onwards in the brief)

The Medico-Legal Report (MLR) of the eyewitness, Sarath Kumara, corroborates his testimony in court. According to the doctor's observations, he had sustained acid burns to the upper frontal region of his face. The doctor further noted in the report that the pattern of injuries was indicative of acid having been splashed onto the injured party.

The MLR of the victim also has given a history compatible with his evidence in Court and the injuries on the victim also had been on the upper part of his body and in the said MLR also the doctor had noted that the injured had suffered an acid splash on his body.

Hence, the evidence of the victim and the eyewitness corroborate each other, and the Medico-Legal Reports of both individuals further supports their testimonies in court. The primary issue in dispute in the present matter relates to the location where the incident occurred. The accused asserts that the incident occurred inside her house, whereas the victim and the eyewitness maintain that it took place in front of her house, near the gate. But the police investigations reveal that the electricity supply to the accused's house had been interrupted, her house had been in a very disheveled state and there had been a chemical substance splashed on the floor of the verandah in the house of the accused.

The prosecution's position is that the acid was splashed near the gate of the accused's house. However, the police observed the presence of a chemical

substance in the verandah of the accused's house. In my view, this discrepancy creates doubt as to the prosecution's assertion that the incident occurred entirely near the gate. Furthermore, the prosecution failed to establish the distance between the gate and the verandah of the accused's house, which is a material omission in clarifying the exact location of the incident.

The evidence of the accused is that, on the night of the incident at approximately 8.00 p.m., she was watching television while her husband was outside the house. She states that the electricity supply was suddenly interrupted, following which she contacted the police, informing them that she suspected foul play.

According to her, two groups of persons then entered her house carrying a torch and began pelting stones and bottles. She alleges that they damaged the three-wheeler parked outside, caused damage to the doors and windows of the house, and manhandled both her and her husband. She further states that she and her husband were assaulted by the victim (see page 95 of the brief).

Thereafter, she claims to have seen a person approaching her holding a container. She states that she attempted to push the container aside, but some of its contents splashed onto her hand, while the remainder fell onto the floor. At that point, the police were called.

The accused was cross-examined by the prosecution, and it was suggested to her that she was fabricating this version to avoid the allegation that she had thrown acid at the complainant, which she had denied. However, upon an analysis of her evidence, it appears that she does not expressly take up a plea of private defence; rather, she only implicitly suggests circumstances that might be construed as such.

Therefore, in view of the evidence of the accused, the defense they had tried to put forward is that the incident had taken place inside their house and the persons who were in the crowd had brought the acid and that she got injured while trying to evade an acid attack on her. However, she did not identify the person holding the acid. She did, however, state that the victim was present and that he had manhandled both her and her husband.

The observations of the investigative officers also cast a doubt with regard to the place of the incident and the benefit of the same has to be given to the accused.

However, considering the nature of the injuries sustained by the two victims, it must be concluded that, even if the incident took place inside the accused's house, her claim that she sustained burns on her hand while attempting to evade an acid attack is devoid of merit. This is because the doctor who examined the

victims in the prosecution's case categorically stated that both had suffered acid burns as a result of an acid attack.

She had also not identified the person with the acid container. Therefore, the prosecution's version that they were thrown at with acid cannot be disregarded.

When a party accuses a person and levels a criminal charge, it is the complainant who has to prove beyond reasonable doubt that the case for the prosecution has been proved beyond reasonable doubt.

Lord Denning J in the English Case of ***Miller v Minister of pensions [1947] 2 All ER 372*** had expressed as follows,

> "*That degree is well settled it need not reach certainty, but it must carry a high degree of probability. Proof beyond reasonable doubt doesn't mean proof beyond a shadow of doubt. The law would fail to protect the community if it permitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favor which could be dismissed with a sentence "of course it is possible but not in the lease probable"* the case is proved beyond reasonable doubt nothing short will suffice.

Further, in the case of ***Munn Rathne and others V. the state [2001] 2 SLR 382,*** Kulatilaka J held as follows,

> "*Suspicious circumstances do not establish guilt. Nor does the proof of any number of suspicious circumstances relieve the prosecution of its burden of proving the case against the accused beyond reasonable doubt…"*

Therefore, in the instant matter, I am of the view that evidence of the prosecution with regard to the victim and the eye-witness receiving acid burns due to the actions of the accused cannot be disregarded. However, it is my considered view that there had been an incident which had involved the victim and the eye-witness inside the house of the accused. Therefore, if that is so, it has to be considered whether the accused was exercising her right of private defense or whether she had exceeded her right of private defense. Under Sections 89 and 90 of the Penal Code of Sri Lanka, a person may lawfully use reasonable force to defend themselves, another person, or property. Acts done in legitimate self-defence are not offences, provided they remain within the limits prescribed by law. Section 92 of the Penal Code iterates as to when the right of private defence cannot be used as a defence and I have included an extract of Section 92(4) which is the relevant to the current matter,

"92. Acts against which there is no right of private defence.

> *(4) The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence."*

In the instant matter, the accused has alleged that her house was damaged, her electricity supply was interrupted and that she evaded an acid attack but not successfully.

The police have observed all these aspects at her place.

But I note that the learned High Court Judge had wrongly come to the conclusion that there was no suggestion made to the victim with regard to the disruption which took place inside the house of the accused, because it has been made and he had answered in the negative.

The learned High Court Judge analyzed the evidence relating to the chainsaw at great length but failed to consider the evidence concerning the place of incident, namely that it occurred within the accused's house, as well as the disruption caused to it. These matters cannot be lightly brushed aside.

Therefore, in view of the narrative stated above, it has been admitted by both parties that the victim and his eye-witness had been at the scene, but the place of the incident is disputed, which really compels a reasonable judge to consider the defense put forward by the accused not straight forward but implied.

In the instant case, the accused has taken up the position that the victim and his eye-witness came with the rest of the crowd and manhandled her and that she sustained acid burns from another person while attempting to evade the attack.

However, the victim and the eyewitness also sustained acid burns, which were of a greater magnitude, and both clearly stated in their evidence that it was the accused who had thrown the acid at them. Their Medico-Legal Reports further confirm that they were subjected to an acid attack.

Therefore, considering all the facts and the law stated above, I am of the view that the accused has exceeded her right of private defense when trying to exercise the same.

However, for some reason best known to the learned High Court Judge, he failed to analyse the same. Nevertheless, he arrived at the correct conclusion, and there is no reason to set aside the judgment of the High Court. In view of the reasons I have stated above, I am of the opinion that the enhancement of the sentence

on the accused is too harsh. Hence, the sentence enhanced by the High Court Judge is set aside and the sentence and the fine of the Magistrate is affirmed and it is to operate from the date this judgement is pronounced in the High Court.

As such, I answer the first question of law in the negative and the second in the negative for the reasons stated above but I dismiss the appeal subject to the variation in the sentence and the fine.

JUDGE OF THE SUPREME COURT

A. L. Shiran Gooneratne, J.
I agree.

JUDGE OF THE SUPREME COURT

Dr. Sobhitha Rajakaruna, J.
I agree.

JUDGE OF THE SUPREME COURT