

**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 read with section  
9 of Act No. 8 of 2024.*

Hon. M.M.S. Bandara  
District Judge / Magistrate,  
District / Magistrate's Court,  
Kekirawa.

**1<sup>st</sup> Complainant**

**SC Contempt No. 02/2024**

S.M.W. Korasagalla,  
No. 40-D, Court Road,  
Kekirawa.

**2<sup>nd</sup> Complainant**

**vs.**

Roshini Abeyrathne  
No. A/70,  
Sekkupitiya,  
Kekirawa.

**Respondent**

**Before:**

**Honourable Yasantha Kodagoda, PC, J.  
Honourable Arjuna Obeyesekere, J.  
Honourable Priyantha Fernando, J.**

**Appearance:**

Dr. Sunil F.A. Coorey with Nilanga Perera for  
the Respondent.

Sanjeewa Dissanayake, Deputy Solicitor General with Asela Wijesinghe, State Counsel instructed by Rizni Firdous, Senior State Attorney for the Honourable Attorney-General.

Rohan Sahabandu, PC with Chathurika Elvitigala and Sachini Senanayake for the Bar Association of Sri Lanka.

**Inquiry held on:** 24<sup>th</sup> September 2024

**Written Submissions tendered on:** For the Honourable Attorney-General on 23<sup>rd</sup> October 2024.  
For the Bar Association of Sri Lanka on 14<sup>th</sup> October 2024.  
For the Respondent Attorney-at-Law on 25<sup>th</sup> October 2024.

**Sentence delivered on:** 16<sup>th</sup> March, 2026

### Sentence Order

Yasantha Kodagoda, PC, J.

#### **Introduction and background**

1. The Respondent is an Attorney-at-Law enrolled and admitted to the Bar in 2014 by the Supreme Court.
2. Following a period of unrelated employment, in 2018, having commenced full-time private practice as an Attorney-at-Law, the Respondent had been engaged in the practice of law in the District cum Magistrate's Court of Kekirawa.

3. Following a complaint received against the Respondent that she had, on 27<sup>th</sup> July 2023, torn, taken to the mouth and chewed two pages of District Court Kekirawa Case No. 221/L, on 22<sup>nd</sup> March 2024, acting on a direction of this Court, a Rule against her was served by the Registrar of this Court. (SC Rule 02/2024) On 26<sup>th</sup> August 2024, following the reading out of the charges contained in the Rule, the Respondent pleaded 'not guilty' and the matter was fixed for inquiry to be taken up on 24<sup>th</sup> September 2024. Given the seriousness of the alleged misconduct, as an interim disciplinary measure, acting in terms of section 42(3) of the Judicature Act, she was suspended from practicing as an Attorney-at-Law till the completion of the disciplinary inquiry.
4. By letter dated 27<sup>th</sup> March 2024, the Bar Association of Kekirawa presented to the Supreme Court a complaint against the Respondent Attorney-at-Law, alleging that she was continuing the practice notwithstanding the order of suspension issued on her by the Supreme Court.
5. Following the receipt of that complaint against the Respondent Attorney-at-Law that notwithstanding the afore-stated interim order issued by this Court on 22<sup>nd</sup> March 2024, the Respondent was continuing to practice as an Attorney-at-Law, the matter was investigated into and these Contempt of Court proceedings (SC Contempt No. 02/2024) were instituted against the Respondent.
6. The specific allegations of Contempt of Court levelled against the Respondent were as follows:
  - a. That notwithstanding her being suspended from the practice of law, on 25<sup>th</sup> March 2024, the Respondent opened her office situated opposite the Kekirawa Magistrate's Court, and continued to present herself as an Attorney-at-Law.
  - b. That on 25<sup>th</sup> March 2024, one Sivakumar Sewan had come to the proximity of the Magistrate's Court of Kekirawa with the intention of meeting an Attorney-at-Law and obtaining her services regarding a case of a friend of his, and upon seeing the name board of the Respondent and the office being open, had gone into the Respondent's office. The Office Assistant who was present inside the Respondent's office advised Sewan to meet the Respondent at 'Hotel Inoka' situated in the Kekirawa town, at which place

Sewan met the Respondent. The Respondent conducted a consultation with Sewan and had given legal advice to him.

- c. That under circumstances similar to the afore-stated, on 25<sup>th</sup> March 2024, one Ranjith Karunathilake visited the Respondent's office and thereafter met the Respondent at 'Hotel Inoka' and retained the Respondent with regard to Magistrate's Court Kekirawa case No. 84390. The Respondent charged a fee of Rs. 2,000/= and informed Karunathileka that Attorney-at-Law Chandana Abeykoon would appear on her behalf in court.
  - d. That on 26<sup>th</sup> March 2024, the Respondent Attorney-at-Law charged a fee of Rs. 3,000/= from the afore-stated Sivakumar Sewan.
  - e. That on 27<sup>th</sup> March 2024, the afore-stated Sivakumar Sewan met with the Respondent Attorney-at-Law at her office, engaged in a consultation and was charged a fee of Rs. 1,000/=.
7. As the Respondent Attorney-at-Law had engaged in conduct in contravention of the interim disciplinary order made by the Supreme Court, such conduct was treated as being contemptuous of the Supreme Court, and accordingly on 26<sup>th</sup> August 2024 a Rule was served on the Respondent Attorney-at-Law to show cause as to why she should not be punished for committing contempt of court. Following the reading of the Rule by the Registrar and the Respondent being called upon by Court to plead, she pleaded 'not guilty'.
  8. On 24<sup>th</sup> September 2024, the Respondent Attorney-at-Law sought and obtained permission of Court to withdraw the previous plea of 'not guilty', and pleaded 'guilty' to the Rule issued by this Court. Having satisfied itself that such plea was tendered following a proper understanding of the nature of what she was doing and its consequences, this Court found the Respondent Attorney-at-Law 'guilty' of the contemptuous conduct alleged against her in the Rule, and convicted her for having committed the offence of contempt of court.
  9. Consequently, this Court permitted learned Counsel representing the Honourable Attorney General, the Bar Association of Sri Lanka and the Respondent Attorney-at-Law to present to Court written submissions on the question of the sentence to be imposed by this Court.

## Submissions of Counsel

10. Learned **Deputy Solicitor General representing the Honourable Attorney-General** while highlighting the seriousness of the contemptuous conduct of the Respondent Attorney-at-Law and the need to deal with such situations sternly by the imposition of strong censure, also submitted that the plea of 'guilty' could be considered by this Court as a significant mitigatory factor. He submitted that, it reflects the Respondent's readiness to cooperate with the judicial process and may indicate that she now understands the seriousness of her actions and repents. Learned DSG submitted that acts of contrition, though belated, suggests the possibility of rehabilitation and reform, which this Court may consider when determining the sentence to be imposed.
11. Learned **President's Counsel representing the Bar Association of Sri Lanka** submitted that, the charges against the Respondent (the original allegation of professional misconduct) are extremely grave, and asserted that in that regard certain criminal proceedings are also pending against the Respondent in the Magistrate's Court. His submissions related to the issue of the original misconduct committed by the Respondent Attorney-at-Law and not to the offence of contempt of court committed by her. Therefore, further elaboration of his submissions would not be necessary.
12. Learned **Counsel representing the Respondent Attorney-at-Law** submitted that, the Respondent did not intend to act contrary to the interim order issued by this Court, and her impugned conduct was due to lapse of judgment and unawareness of the law. Seeking to explain the conduct of the Respondent, learned counsel submitted that, following the issuance of the interim order, the Respondent had on the morning of the 25<sup>th</sup> of March 2024 opened her office for the limited purpose of distributing her briefs among other Attorneys-at-Law. That was done over a period of time. She was under the impression that, though she was suspended from practicing as an Attorney-at-Law, she was entitled to engage in notarial work as a Notary Public. Thus, she kept the doors of the office open.
13. Learned Counsel for the Respondent also submitted that the Respondent Attorney-at-Law is a junior Attorney with only 7 years of active practice, and that she had not received grooming on professional and ethical conduct from a senior Counsel.

14. Learned Counsel also submitted that the Respondent Attorney-at-Law had in 2006 become a single parent to a small child of 4 years, after her husband separated from her. She had raised her child, who is notably now a law student, with great difficulty. Her husband had divorced her in 2018. She also had the burden of taking care of her very old mother who to-date remains under her care, suffering from a mental disorder. In 2022, the Respondent Attorney-at-Law had been diagnosed to be suffering from breast cancer, and therefore had to undergo a mastectomy (breast removal surgery), and has thereafter been under regular treatment. Furthermore, due to the serious personal tragedies encountered by her, she has been diagnosed as suffering from clinical depression for which too, she is presently under treatment. Learned counsel also submitted that due to suspension from engaging in practice of the law, the Respondent has faced serious financial difficulties and is presently employed as a teacher at a private school, earning a meagre salary of Rs. 35,000/= a month.
15. Due to these circumstances, learned counsel pleaded that this Court shows mercy upon the Respondent Attorney-at-Law and impose upon her the least severe sanction.

### **Consideration by Court**

16. By her own admission of guilt, the Respondent Attorney-at-Law has admitted the flagrant acts alleged to have been perpetrated by her in direct violation of the interim order issued on her by this Court on 22<sup>nd</sup> March 2024 suspending her from practicing as an Attorney-at-Law. Ingloriously, she has continued to engage in practicing, by keeping her 'law office' open, having 'consultations' with clients, tendering 'advice' and charging 'fees'. Thus, that she acted in direct contravention with the interim order issued by this Court, is beyond doubt.
17. Court notes that, the Respondent has not produced affidavit evidence from other Attorneys-at-Law to whom she claims that on 25<sup>th</sup> March 2024, she distributed briefs. Furthermore, though learned counsel has submitted that the Respondent remained in the office for the limited purpose of practicing as a Notary Public, a legal question arises as to whether, given her suspension from functioning as an Attorney-at-Law, in fact she was entitled to practice even as a Notary Public. Furthermore, it is evident from the affidavits of Sivakumar Sewan and Ranjith

Karunathilake, that in contravention of the interim order issued by this Court, she had in fact practiced as an Attorney-at-Law and not as a Notary Public. Thus, the purported defence suggested by learned Counsel for the Respondent Attorney-at-Law is unacceptable and therefore must be rejected.

18. However, it is not possible for a Judge (who starts, continues and ends his life first and foremost as a human being) not to be moved by the sad, serious and unfortunate tragedies suffered by the Respondent. Nevertheless, as a Judge called upon to perform a judicial function, I have to guard myself against being merciful, emotional and losing my ability to consider the question of sentence objectively. (A detailed exposition as to why being merciful is not possible, is contained in the Judgment of this Court in *M.A. Sumanthiran, PC and two others vs. I. S. H. J. Illukpitiya*, SC Minutes of 23<sup>rd</sup> September 2025.) However, I must place on record that the Respondent is a person who has endured successive tragedies and unfortunate misfortunes giving rise to devastating consequences, which warrants sympathy and support from all others.

19. In *M.A. Sumanthiran, PC and two others vs. I. S. H. J. Illukpitiya* (*supra*), this Court has set out in detail the seriousness of acts of contempt of court and how such acts would percolate finally to a breakdown of the justice system and the erosion of the Rule of Law of this country. In that matter, the focus was on the seriousness of a senior public official of the government acting contrary to an interim order issued by this Court. This matter is even more serious, as the act of contempt by acting in contravention of an interim order issued by this Court, had been committed by an Attorney-at-Law. Attorneys-at-Law constitute the legal profession of this country, which provides an invaluable and indispensable service towards the administration of justice. Their foremost duty is to function as an 'officer of court' and assist in the administration of justice. Other duties such as protecting the best interests of their clients are secondary to that paramount duty. Members of the legal profession know or should know, only too well the importance of respecting the dignity of court, abiding by the authority of court and complying with orders of court. If in fact the legal profession fails to recognize its importance, courts have no where else to turn to. In fact, members of the legal profession act both individually and organizationally through the Bar Association of Sri Lanka and its branch associations as guardians of the judicial system and the protectors of the independence and the dignity of courts of law and judges. It is

their bounded duty to do so; if not, the legal profession will lose the primary forum it has to engage in professional services and the country and her people lose the final bastion for the delivery of justice. If there is systematic and widespread disregard, disrespect or disobedience with judgments and orders of courts of law, within a short period of time, the country as a whole will most certainly fall into utter disarray with the Rule of Law deteriorating significantly, law and order decaying rapidly, and anarchy rearing its ugly head. Thus, the contempt of court jurisdiction is invoked and exercised by this Court and by other courts, not to glorify the power of members of the judiciary or to over-emphasize the authority of Courts, but in national and public interest for the protection of the system of administration of justice, the Rule of Law, and thereby to protect the entire country and her people from utter devastation. Exercising the jurisdiction vested in courts to deal with instances of contempt of court is in fact a means by which the courts seek to uphold and protect the judicial component of the sovereignty of the People.

20. In this case, an Attorney-at-Law against whom disciplinary proceedings have been initiated, who ought to have at least following such action being taken, been mindful of the need to respect and abide by orders of court, has acted in direct contravention of the interim order issued on her, on 22<sup>nd</sup> March 2024. She cannot plead ignorance of what was meant by the interim order in issue. She is an Attorney-at-Law, who is deemed to know the law and its implications. In any event, the interim order made by this court is self-speaking, direct and requires no elaboration or explanation. The interim order issued by this Court required her to refrain from engaging in practice as an Attorney-at-Law till the completion of disciplinary proceedings in SC Rule 02/2024, since she was 'suspended' from functioning as an Attorney-at-Law. She cannot deny that she acted in contravention of that order, since she herself has pleaded 'guilty' to the charge of contempt of court.

21. In *M.A. Sumanthiran, PC and two others vs. I. S. H. J. Illukpitiya (supra)*, this Court has set out in detail criteria to be taken into consideration when determining the sentence to be imposed on a person found 'guilty' and therefore convicted for having committed the offence of contempt of court. I see no reason to repeat such criteria. However, I shall apply the aggravating circumstances (which I have already referred to in the preceding paragraphs) and the mitigatory circumstances to the facts and circumstances applicable to this matter. In view of the attendant

facts, in my view, no mitigatory approach to sentencing can be adopted by this Court. In fact, contempt of court by an Attorney-at-Law ought to attract a higher sentence than the same impugned conduct having been committed by an ordinary citizen of this country. An Attorney-at-Law should know only too well as to the importance or adhering to an order of court. There cannot be leniency merely because the Respondent is a member of the legal profession to which we judges too belong. Such an approach would defeat the very foundations of justice.

22. As propounded in *M.A. Sumanthiran, PC and two others vs. I. S. H. J. Illukpitiya (supra)*, I have taken into consideration that the maximum sentence imposable on a person convicted of having committed the offence of contempt of court, ought to be 7 years imprisonment. Accordingly, having set 3.5 years as the mid-point, I have considered both aggravating and mitigatory circumstances.
23. I have taken into consideration the fact that well-before the commencement of the inquiry, the Respondent Attorney-at-Law withdrew her previous plea of 'not guilty' and substituted therefor a plea of 'guilty'. She has thereby accepted responsibility for her contemptuous conduct at an initial point in the proceedings. That is one mitigatory circumstance.
24. I have also taken into consideration the disciplinary sanction imposed by this Court on the Respondent Attorney-at-Law in SC Rule 02/2024 in respect of her having been found 'guilty' of having committed serious professional misconduct in the most brazen manner. The disciplinary sanction contained in that order is to disenroll her from the legal profession and accordingly strike her name off the Register of Attorneys-at Law. That she is to face such repercussion arising out of her own misconduct resulting in her career as a lawyer coming to an end (for life), is another mitigatory circumstance.
25. It is necessary to take into consideration the personal situation of the Respondent. She has undergone a series of personal tragedies from which she has suffered tremendously and her troubles do not appear to be over. As I have pointed out in *M.A. Sumanthiran, PC and two others vs. I. S. H. J. Illukpitiya (supra)*, the role of a Judge when determining a sentence on a person who has committed a serious offence, is not to be merciful. A judge must be objective and rational in his

decision-making. Therefore, I cannot treat her personal tragic circumstances as a mitigatory circumstance, which warrants a significant discount from the sentence.

26. In view of those circumstances, it is my view that the imposition of a terms of imprisonment of 1 year suspended for 5 years together with a fine of Rs. 25,000/= (in default 6 months imprisonment) would be an appropriate sentence.

27. Accordingly, the Respondent is imposed a term of 1 year imprisonment suspended for 5 years and is directed to pay a fine of Rs. 25,000/= within 3 months from the delivery of this order.

28. The Respondent is warned to be of good behavior.

29. The Registrar of this Court is directed to take cognizance of this order.

**Judge of the Supreme Court**

**Arjuna Obeyesekere, J.**

I agree.

**Judge of the Supreme Court**

**Priyantha Fernando, J.**

I agree.

**Judge of the Supreme Court**