

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

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

SC/FRA/320/2019

B.A. Bannet Sumanasiri Jayawardane
No. 139/3, Kandy Road, Imbulgoda.

Petitioner

Vs.

1. Chief Inspector, Mallawa kumara
Officer in Charge, Yakkala Police Station

1A. Chief Inspector Athula Gamage,
Officer in Charge (admin),
Yakkala Police Station
2. Inspector, Priyantha Perera
Officer in Charge (admin),
Yakkala Police Station
3. Sub – Inspector, Sarathchandra
Yakkala Police Station
4. Police Constable -68536, Raisingha
Yakkala Police Station

5. Police Constable - 88133 Chamara
Suranjith
Yakkala Police Station
6. Police Sergeant - 20655,
Jayaratna Yakkala Police Station
7. Police Sergeant - 32885 ,kularatna
Yakakala Police Station
All C/o Police Station, Yakkala
8. Police Constable -53411 Welagedra
Weliweriya Police Station
9. Sub inspector, P.D.N Jayalath
Weliweriya Police Station
10. Former Chief Inspector - S.K.Upali
Weliweriya Police Station
11. Inspector, Predeep Atapatthu
Weliweriya Police Station,
All C/o Police Station, Yakkala
12. Kapila Senaviratna
Former Assistant
Police, - 11, Gampaha Division

Superintendent of

Superintendent of

13. S.M.J.S. Samaranaíyaka
Former Assistant

Police - 11, Gampaha Division

13A. B.R.D.D.B.S. Basnayaka
Former Assistant Superintendent of
Police - 11, Gampaha Division

13B. P.J. Athukorala
Former Assistant Superintendent of
Police - 11, Gampaha Division

Superintendent

14. Muditha Puswella
Former Senior
of Police, Gampaha Division

15. Jagath Rohana,
Senior Superintendent of Police,
Gampaha Division

16. Ajith Rohana
Former Deputy Inspector
General of Police
(Western Province)

17. T.M.W. Tennakoon
Former Deputy Inspector
General of Police

(western Province)

18. W.M.R.M. Welikanna
Deputy Inspector General of
Police, (western Province)
All C/o Office of the Deputy
Inspector General Western
Province (North), Peliyagoda.
19. Inspector , Nishantha Perera
Officer in Charge –
Ombudsman Division
20. Deputy Inspector general
Ombudsman Division
21. Director - Crime Division
22. Director - Legal Division
23. Pujitha jayasundara
Former Inspector General of Police
24. C.D. Wikaramaratna
Senior inspector General of Police
All C/o Police headquarters
Colombo -01
- 24A. Priyantha Weerasooriya - Inspector
General of Police (Acting)

25. Deputy Election Commission -
Gampaha
26. Election Commission - Colombo
All C/o Election Commission,
Sarana Mawathe, Rajagiriya
27. Chief Jailor Prison, Mahara
28. Chief Medical Officer, Prison, Mahara
29. Superintendent of Prison, Mahara
All C/o Superintendent of Prison,
Mahara Prison
- 29A. Dr. Aruni Hapangama – Consultant
Psychiatrist – Teaching Hospital,
Ragama
- 29B. Dr.R.M.A Ratnayaka MO (Medico
Legal) – Teaching Hospital, Ragama
- 29C. K.A Rohana Pushpasiri – Former
Member Gampaha Pradeshiya Sabha
- 29D. Hon. Manjula Thilakaratna – Former
Hon. Additional Majistrate,
Gampaha
30. Hon. Attorney General
Attorney General’s Department,
Colombo 12.

Respondents

Before : Achala Wengappuli, J.
Dr. Sobhitha Rajakaruna, J.
Menaka Wijesundera, J.

Counsel : Petitioner appears in person.
Sajith Bandara, SC, for the Respondents.

Written
Submissions : Written submissions on behalf of the Petitioner
on 12th October, 2023.

Argued on : 22.09.2025

Decided on : 20.02.2026

MENAKA WIJESUNDERA J.

The instant application filed under and in terms of Article 126(2) of the Constitution by Biyagama Acharige Bannet Sumanasiri Jayawardane (“the Petitioner”), seeking relief for alleged infringements of his Fundamental Rights guaranteed under Articles 12(1), 13(1), and 13(2) of the Constitution.

The Petitioner contends that his arrest and detention pursuant to Police Report No. B/1624/19, dated 01.07.2019, by officers of the Yakkala Police Station and his subsequent remand by the Additional Magistrate of Gampaha were unlawful, arbitrary, and malicious.

The Petitioner claims that he was maliciously arrested and detained under B-Report No. B/1624/19, dated 01.07.2019, for a period of 14 days, to obtain a mental condition report from the Judicial Medical Officer (JMO), Colombo North Teaching Hospital, Ragama.

The Petitioner asserts that his arrest and detention were contrary to law, claiming the underlying offence was bailable, and that the investigation and

detention were arbitrary, violating his Fundamental Rights under Articles 11, 12, 13(1), and 13(2) of the Constitution.

On 29.04.2021, this Court had granted Leave to proceed for the petitioner with his application under Articles 12(1), 13(1), and 13(2) of the Constitution. The relevant constitutional provisions are set out as follows

Article 12(1),

“All persons are equal before the law and are entitled for equal protection of the law “

Article 13(1),

“No persons shall be arrested except according to procedure established by law. Any persons arrested shall be informed of the reason for his arrest.”

Article 13(2),

“Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of the nearest competent court according to procedure established by law, and shall be not be further held in custody, detained or deprived of personal liberty except upon and in terms of the order of such judge made in accordance with procedure established by law”

The Petitioner avers that he was present in Court on 01.07.2019 for Case No. 65353/18, and during proceedings, the 3rd Respondent allegedly called his name unnecessarily, forwarded the B/1624/19 Report, and thereafter obtained testimony from other witnesses while the Petitioner was in custody, which he contends was unlawful.

The Petitioner further claims that the 4th Respondent, a police officer, visited his residence on 30.06.2019 to serve a court summons erroneously addressed to a person named “Nisoma,” though the correct name of his wife was “Asoka”. The Petitioner alleges that this mistake led to confusion and subsequent false accusations that the service of summons were prevented.

The Petitioner states that the 1st Respondent (OIC, Yakkala Police Station) maliciously filed a false report (B/1624/19) under **Sections 171 (Preventing service of summons) and Sections 344 (Use of criminal force to deter a public servant) of the Penal Code.**

It is alleged that the 1st Respondent failed to properly investigate, take his statement, or file a valid charge sheet, and that his actions were influenced by

R.A. Rohan Pushpasiri, a member of the Gampaha Pradeshiya Sabha, with whom the Petitioner had prior disputes arising from an unlawful assembly held at his premises on 14.01.2018 related to political activities.

The Petitioner claims that his wife's testimony was distorted by police officers, that false statements were entered in police records (Yakkala Police CIB/101/177), and that warrants were wrongfully issued for a nonexistent witness "Nisoma."

The Petitioner further alleges that during his detention, police officers killed his pet dog, and that he was subjected to humiliation through false allegations of mental illness, with several Respondents previously filing reports alleging similar conditions (e.g., B/2269/14 and Case No. 45425/16 in the Weliveriya Police Division).

He maintains that these acts constitute a pattern of malicious conduct, conspiracy, and abuse of police power by Respondents 1 to 18, allegedly in collusion with political figures.

The Petitioner requests the Court to recognize that his arrest, detention, and treatment were illegal, and to order the withdrawal of Report B/1624/19, as well as compensation from the Respondents for alleged violations of his Fundamental Rights.

The Petitioner avers that on 30.06.2019, the 4th Respondent, a police officer, visited his residence to serve a court summons in connection with Case No. 65353/18. The summons, however, was erroneously addressed to a person named "Nisoma", though the correct name of the Petitioner's wife was "Asoka".

The Petitioner claims that this error led to a misunderstanding and false accusations that he obstructed the service of summons, resulting in a complaint being lodged against him under Sections 171 and 344 of the Penal Code. The 1st Respondent (then OIC of Yakkala Police Station), thereafter, filed Report B/1624/19, on the basis of which the Petitioner was arrested and produced before the Additional Magistrate, Gampaha, who ordered his remand for 14 days to obtain a psychiatric report from the Judicial Medical Officer, Colombo North Teaching Hospital, Ragama.

The Petitioner asserts that during this period he was humiliated, falsely labelled as mentally unstable, and subjected to cruel treatment. He further claims that the police killed his pet dog during his detention and that false records were entered in Yakkala Police CIB/101/177.

It is further alleged that the acts of the Respondents were motivated by malice and political bias, instigated by K.A. Rohana Pushpasiri, a former member of the Gampaha Pradeshiya Sabha, with whom the Petitioner had previous disputes arising from an incident at his premises on 14.01.2018 related to local government political activities.

The Petitioner relies on a subsequent investigation conducted by the Police Special Crime Investigation Unit, Gampaha, which allegedly confirmed that the 1A Respondent (present OIC, Yakkala Police Station) had altered the name “Asoka” to “Nisoma” by hand in a statement (marked P36) and reported to the Gampaha Magistrate’s Court on 22.11.2024 under B/1964/2024 (P45).

According to the Petitioner, the learned Magistrate failed to consider his submissions regarding the mistaken identity and instead remanded him, acting under alleged influence. A psychiatric report dated 12.07.2019 (P46) issued by Dr. Aruni Hapangama concluded that the Petitioner was of sound mind and fit to appear in Court. Consequently, the Magistrate, by Order dated 27.01.2020 (P26), concluded that there was no mental disorder and directed the police to amend the false charges under 83222/19 (P22).

The Petitioner alleges that despite this directive, the 1A Respondent failed to comply, leading to prolonged delays, harassment, and his re-arrest on 23.02.2023, causing him injury and hospitalisation. He further claims that his medical report and confidential psychiatric report were unlawfully obtained and translated into Sinhala and used to tarnish his reputation.

Having considered the Petition, the affidavits filed, and the material placed before Court, the following matters arise for determination:

1. Whether the Petitioner’s arrest and detention under Report B/1624/19 constituted a violation of Articles 12(1), 13(1), or 13(2) of the Constitution;
2. Whether the alleged alteration of witness names and other procedural irregularities amount to infringement of Fundamental Rights; and
3. Whether the Petitioner has established mala fides or illegality on the part of the Respondents sufficient to attract constitutional relief.

The Court notes that the Petitioner’s arrest and remand were carried pursuant to an order of a Magistrate in the exercise of judicial power. Such orders carry a presumption of regularity unless evidence to the contrary is clearly established. The psychiatric report (P46) confirmed that the Petitioner was of sound mind, and the Magistrate, upon its receipt, made an appropriate order.

The allegations of falsification of documents, conspiracy, and political influence, though serious, remain largely unsupported by admissible evidence. The purported police report B/1964/2024 (P45) produced by the Petitioner has not been substantiated before this Court by an official certified copy or affidavit from the investigating officer.

Similarly, the Petitioner's contentions regarding the improper translation and circulation of his medical report, while concerning, do not, on their face, constitute a violation of Fundamental Rights unless accompanied by clear proof of unlawful disclosure by a public authority.

The evidence before this Court reveals procedural misunderstandings and prolonged litigation in the Magistrate's Court but does not demonstrate a deliberate or arbitrary deprivation of liberty contrary to the Constitution.

In light of the above, this Court finds that the Petitioner has failed to establish a violation of his Fundamental Rights guaranteed under Articles 12(1), 13(1), or 13(2) of the Constitution. The arrest, detention, and subsequent judicial actions appear to have been undertaken within the bounds of lawful authority. The Petition is primarily grounded on uncorroborated allegations, procedural grievances, and personal disputes, insufficient to warrant constitutional intervention.

As such, the petition is dismissed.

JUDGE OF THE SUPREME COURT

Achala Wengappuli, J.

I agree.

JUDGE OF THE SUPREME COURT

Dr. Sobhitha Rajakaruna, J.

I agree.

JUDGE OF THE SUPREME COURT