

**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**

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

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

**SC Rule No. 02/2024**

**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.

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

### **Order on Disciplinary Sanctions to be imposed on the Respondent**

**Yasantha Kodagoda, PC, J.**

#### **Introduction and background**

1. The Respondent is an Attorney-at-Law admitted to the Bar in 2014. In 2018, having commenced full-time private practice as an Attorney-at-Law, the Respondent had been engaged practicing in the Kekirawa District cum Magistrate's Court.
2. Following the receipt of complaints against the Respondent Attorney-at-Law from (i) the learned District Judge and Magistrate of the District cum Magistrate's Court of Kekirawa and (ii) S.M.W. Korasagalla, Attorney-at-Law, and the conduct of an inquiry by the Supreme Court, on 22<sup>nd</sup> March 2024, acting on a direction of this Court, a Rule against her was served by the Registrar. (SC Rule 02/2024) Following the serving of the Rule, the Respondent pleaded 'not guilty' and the matter was fixed for inquiry to be taken up on 10<sup>th</sup> July 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.

3. It is necessary to place on record that, following the receipt of another complaint against the Respondent Attorney-at-Law, notwithstanding the afore-stated interim order being issued by this Court on 22<sup>nd</sup> March 2024, the Respondent was continuing to practice as an Attorney-at-Law, thus Contempt of Court proceedings (SC Contempt No. 02/2024) were instituted against the Respondent.

### **Allegation against the Respondent**

4. The specific allegations of professional misconduct levelled against the Respondent Attorney-at-Law as contained in the Rule served on her are as follows:
  - a. That on 27<sup>th</sup> July 2023, she entered the Record Room of the District cum Magistrate's Court of Kekirawa and had requested an opportunity to peruse the case record relating to case No. 221/L, of which, she was a party (as opposed to being an Attorney-at-Law representing a party). Following a direction issued by the learned District Judge / Magistrate, the case record had been placed securely in the safe of the Registrar of the court. Accordingly, an official of the registry denied to her permission to peruse that case record.
  - b. That thereafter, when the case record was taken out to be sent to the learned District Judge, she forcibly snatched the case record from an office assistant of the court – Amune Gedera Methushi Minsayuri, and proceeded to tear apart two documents filed of record in that case record, placed them inside her mouth and chewed them.
  - c. That notwithstanding several requests by officers of the court to return the documents, she refused to do so.
  - d. That as a result, those two documents were completely destroyed.
  - e. That the afore-stated conduct amounts to interference with the exercise of judicial power, which makes her *ex-facie* liable to be dealt with according to law.
5. The possible reason for the impugned conduct of the Respondent Attorney-at-Law is contained in the complaint submitted by the 2<sup>nd</sup> complainant - S.M.W.

Korasagalla, Attorney-at-Law. According to his complaint dated 31<sup>st</sup> July 2023, his spouse had entered into a lease agreement with the Respondent Attorney-at-Law to let out certain commercial premises to the latter. A dispute had arisen, which resulted in District Court Kekirawa case No. 221/L being instituted by the 2<sup>nd</sup> Complainant's spouse against the Respondent Attorney-at-Law. In that case, the Respondent Attorney-at-Law had presented to court two Deeds which allegedly contained the forged signatures of the 2<sup>nd</sup> Complainant. Those Deeds had been filed of record. On a request made to court, those two documents had been presented to the Examiner of Questioned Documents, who following examination had forwarded a Report, which revealed that the purported signatures of the 2<sup>nd</sup> Complainant were forgeries. This resulted in the 2<sup>nd</sup> Complainant presenting to the Special Crimes Investigation Branch of the Anuradhapura Police a complaint against the Respondent Attorney-at-Law. That resulted in the police initiating criminal proceedings against the Respondent Attorney-at-Law in the Magistrate's Court of Kekirawa (MC Kekirawa B/964/23). It is on the 27<sup>th</sup> July 2023, the day on which the Magistrate's Court case was called in open court, that the Respondent Attorney-at-Law had engaged in the afore-stated impugned conduct.

### **Plea of guilty by the Respondent**

6. On 10<sup>th</sup> July 2024, the Inquiry into the Rule issued on the Respondent Attorney-at-Law could not be taken up, since the Registry had not issued summons on the witnesses. When the matter was taken up for inquiry on 24<sup>th</sup> September 2024, following inquiry being made by Court, learned counsel for the Respondent having obtained instructions from the Respondent, informed Court that the Respondent wishes to withdraw her previous plea of "not guilty" and substitute therefor a plea of "guilty". Accordingly, the charges contained in the Rule were read out once again. Following inquiry being made by Court, the Respondent informed Court that she wished to plead "guilty" and upon permission being granted, she pleaded "guilty". At that stage, Court satisfied itself that the Respondent Attorney-at-Law understood the nature of what she was doing and its consequences. Accordingly, the Court accepted the plea of guilt and acting on that plea, proceeded to convict the Respondent Attorney-at-Law. Learned Counsel were permitted to present written submissions regarding possible disciplinary sanctions to be imposed on the Respondent.

## Submissions of Counsel

7. **Learned Deputy Solicitor General representing the Honourable Attorney-General** while highlighting the seriousness of the impugned conduct of the Respondent Attorney-at-Law, submitted that she had engaged in deceitful conduct which amounted to a professional malpractice, which comes within section 42(2) of the Judicature Act. Furthermore, he submitted that the Respondent Attorney-at-Law had violated Rules 60 and 61 of the Supreme Court (Conduct and Etiquette for Attorneys-at-Law) Rules. Learned DSG also submitted that the impugned serious misconduct of the Respondent constitutes a clear and flagrant violation of judicial authority, defiance and a direct affront to the judicial process of court. He submitted that the two documents destroyed by the Respondent were (prior to being destroyed) in judicial custody, and their destruction amounted to interference with judicial process and the administration of justice. He also submitted that the Respondent's conduct was both intentional and malicious. He called into question the suitability of the Respondent remaining in the legal profession and submitted that the gravity of the impugned conduct of the Respondent warrants strict censure.
  
8. **Learned President's Counsel representing the Bar Association of Sri Lanka** submitted that, the charges against the Respondent are extremely grave. He said that certain criminal proceedings are also pending against the Respondent in the Magistrate's Court. Learned President's Counsel submitted that the legal profession is given a privileged status, because it is an important stakeholder of the system for the administration of justice and for the maintenance of the rule of law. Such privileged status should not be abused. When the Supreme Court admits and enrolls a person as an Attorney-at-Law, it considers not only academic and professional qualifications, but also fitness to function as a member of the legal profession, which should comprise of honourable ladies and gentlemen. Had the Supreme Court been aware of the propensities of the Respondent, she would not have been admitted to the Bar. That is because, section 40(1) of the Judicature Act empowers the Supreme Court to admit to the legal profession only persons of good repute. He asserted that when deciding whether a person is fit to continue in the legal profession, the criteria that were relevant at the time of his admission are equally applicable. The test for admission and for discipline are the same. Furthermore, learned President's Counsel submitted that the impugned conduct

was committed in the Respondent's capacity as an Attorney-at-Law, aggravates the culpability of the Respondent.

9. **Learned Counsel representing the Respondent Attorney-at-Law** submitted that, the Respondent has pleaded "guilty" and has thereby owned up to her actions which was due to a lapse in judgment. He submitted that the Respondent profoundly apologizes for her conduct on 27<sup>th</sup> July 2023.
10. Learned counsel submitted that, there was a long-standing dispute between the 2<sup>nd</sup> Complainant and the Respondent with regard to the leasing out of premises by him to her, in which premises she established her law office. After a period of time, the Respondent showed interest in purchasing the property. This resulted in the 2<sup>nd</sup> Complainant's wife instituting case No. 221/L in the District Court to have the Respondent evicted from the premises. On 31<sup>st</sup> December 2020, the 2<sup>nd</sup> Complainant, his wife and the two sons caused mischief to the property at the Respondent's office and destroyed it. This led the Respondent to lodge a complaint at the police station against those four individuals, which included the law student son of the 2<sup>nd</sup> Complainant. Due to insistence from other members of the Bar, the Respondent and the 2<sup>nd</sup> Complainant settled that dispute.
11. Be that as it may, when determining the punishment to be imposed on the Respondent, learned Counsel pleaded that the following be taken into consideration in mitigation of the sanctions.
12. The Respondent Attorney-at-Law is a junior Attorney who had not received grooming from a senior Counsel.
13. Following her marriage in 2001, the Respondent Attorney-at-Law had in 2006 become a single parent to a small child of 4 year. That was following her husband having separated from her. It had been with great difficulty that she brought up that child, who by now has fortunately become a law student. 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 with breast cancer consequent to which a mastectomy (breast removal) surgery had been performed, 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 she is presently under treatment. Learned counsel also submitted that due to suspension from engaging in practice of the law, the Respondent had faced serious financial difficulties, and is presently employed as a teacher at a private school earning a meagre salary of Rs. 35,000/= per month.

14. Due to these circumstances, learned Counsel pleaded that the Court shows mercy upon the Respondent Attorney-at-Law and impose upon her not so severe disciplinary sanctions.

### **Consideration by Court**

15. By her own admission of guilt, the Respondent Attorney-at-Law has admitted the flagrant acts perpetrated by her in direct violation of professional ethics applicable to Attorneys-at-Law. Her ignominious conduct on 27<sup>th</sup> July 2023 of snatching a case record from an officer of court in which she had personal interests, tearing off two of its pages which contained vital documentary evidence, inserting those pages into her mouth and chewing them resulting in the destruction of the two pages, amounts to serious professional misconduct compounded by conduct which constitute more than one criminal offence. Ostensibly, such conduct had been orchestrated by her to cover-up previous criminal conduct of forging a document for the purpose of establishing a particular position advanced by her in a civil action involving herself and the 2<sup>nd</sup> Complainant's spouse. Therefore, I conclude that the impugned professional misconduct of the Respondent Attorney-at-Law had not been committed at the spur of the moment, and was a planned and well calculated action aimed at shielding herself from responsibility for committing forgery and tendering to a court of law a forged document in the guise of a genuine document.
16. The impugned conduct of the Respondent Attorney-at-Law has been so grievous that hardly any discussion is necessary to support the view of this Court that she has engaged in very serious misconduct completely unfitting of the lawful, respectable and dignified conduct expected from an Attorney-at-Law at all times, both when engaging in professional duties as well as in private life. An Attorney-at-Law is not yet another ordinary citizen of the country. They belong to a noble profession, members of which are required to be learned, skilled and armed with knowledge and professional skills to assist their clients to resolve disputes and

secure redress and relief from Courts of law by engaging in litigation where Judges are assisted by such lawyers to resolve disputes through judicial adjudication. Thus, the role and functions of Attorneys-at-Law are exceptional and delicate, as their call of duty requires them to on the one hand espouse the cause of their clients and act in their best interests. On the other hand, they are officers of court, whose paramount duty is to assist in the due administration of justice, even if doing so may be detrimental to the interests of their respective clients. Performing that delicate balance requires a very high degree of integrity and maturity. No lessor mortal can perform the functions of an Attorney-at-Law. Thus, unlike members of any other profession, Attorneys-at-Law belong to a noble profession, intrinsically interwoven with the administration of justice and the maintenance of the rule of law. Thus, the requisite conduct and repute of an Attorney-at-Law is much higher than what is expected from all other members of society.

17. Particularly as the misconduct for which the Respondent Attorney-at-Law has been found guilty and convicted, transgresses the law and is criminal in nature, it would be timely to be reminded of the following views expressed by Justice Dr. A.R.B. Amerasinghe, in his monumental treatise on *“Professional Ethic and Responsibilities of Lawyers”*:

*“Being an integral part of the machinery of justice, a lawyer should demonstrate respect for and uphold the legal system and legal process. His responsibilities are greater than those of an ordinary private citizen: A lawyer is subject to separate and higher standards of conduct than that which might incur the sanction of court in contempt proceedings. A lawyer should encourage public respect for the law and, although he should not hesitate to speak out against any injustice, and although he must take the lead in seeking improvements in the legal system, he must not subvert the law by counseling, or assisting or participating in conduct in defiance of the law. He must do nothing to lessen public respect for and confidence in the legal system of which he is an integral part. ...*

*At all times and attorney’s conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer’s business and personal affairs. ...*

*Even if there is no conviction, yet if the attorney’s conduct is criminal in character, the Court would usually order the removal of his name from the roll if it was of a particular reprehensible nature.”*

18. That very role of Attorneys-at-Law and them being placed on a higher pedestal, necessitates Attorneys to be extra-cautious of their obligation to lead a purified life replete with lawful, ethical, dignified and honourable conduct, thereby earning the respect of the society.
19. It is necessary to highlight that it is the duty of the Supreme Court to protect the Public, the State, Courts of law and the legal profession, from persons of bad repute who may have found their way into the legal profession. Such persons must be identified, investigated into and removed from the legal profession, well before they have the occasion to cause harm. If detection prior to harm being caused is not possible, such persons must be detected no sooner credible and well-founded complaints are received, and dealt with according to law. This is one instance where the Supreme Court must perform that function, and do so in a manner that is commensurate with the misconduct perpetrated.
20. By her inglorious despicable conduct, the Respondent Attorney-at-Law has not only earned for herself legal culpability, she has so evidently engaged in (a) serious misconduct unworthy of an Attorney-at-Law (Rule 61), (b) disgraceful and dishonourable conduct (Rule 60), and (c) has exhibited disrepute, which not only affects her standing in society, but the standing of the entire legal profession.
21. The purported mitigatory circumstances advanced on her behalf pertaining to the acrimonious relationship between the Respondent Attorney-at-Law and the 2<sup>nd</sup> Complainant Attorney-at-Law, in my view does not serve to mitigate her culpability arising out of her serious misconduct amounting to criminal conduct committed on 27<sup>th</sup> July 2023.
22. 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 misconduct conduct at an initial point in the proceedings. However, in disciplinary proceedings of this nature where the impugned serious misconduct of the Respondent Attorney-at-Law renders her completely unfit to remain in the legal profession, it is not possible to mitigate disciplinary sanctions imposable on the relevant Attorney on account of her having pleaded "guilty".

23. I have also considered the incredibly sad life tragedies encountered by the Respondent Attorney-at-Law. I have taken those factors into consideration when determining the punishment imposable on the Respondent Attorney-at-Law with regard to committing Contempt of Court (SC Contempt 02/2024) by acting in contravention of the interim order made by this Court in this matter suspending her from engaging in the practice of law. In this matter when determining disciplinary sanctions, it is not possible to take into consideration those factors.
24. Accordingly, acting in terms of section 42(2) of the Judicature Act, I disenroll the Respondent Attorney-at-Law from the legal profession, and direct the Registrar of the Supreme Court to strike-off her name from the Register of Attorneys-at-Law.
25. The Registrar is directed to convey this decision together with a copy of this Order to (a) The District Judge / Magistrate, District cum Magistrate's Court of Kekirawa, (b) The Secretary, Bar Association of Sri Lanka, and to (c) The Secretary, Lawyers' Association of Kekirawa.
26. The Registrar is directed to return to the Registrar of the District / Magistrate's Court Kekirawa the records of (i) District Court of Kekirawa Case No. L/221, and (ii) Magistrate's Court Kekirawa Case No. B 970/2023.

**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**