

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

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

ARJUNA SUJEEWA SENASINGHE
No. 03, Chelsea Gardens,
Colombo 03.

PETITIONER

**SUPREME COURT CASE NO:
SC FR 327 /2024**

Vs

- 1. PRIYANTHA WEERASOORIYA**
Inspector General of Police (Acting)
Police Head Quarters, Colombo 01.
- 2. P. AMPAVILA**
**DEPUTY INSPECTOR GENERAL OF
POLICE**
Criminal Investigations Department,
Colombo 01
- 3. MANGALA DEHIDENIYA**
Director
Criminal Investigations Department,
Colombo 01.
- 4. MIHINDU ABESINGHE**
**ASSISTANT SUPERINTENDENT OF
POLICE**
Public Complaints Division,
Criminal Investigations Department,
Colombo 01.
- 5. THUSITHA KAHAGALLA**
Officer in Charge,
Public Complaints Division,
Criminal Investigations Department,
Colombo 01.
- 6. OFFICER IN CHARGE,**
Walana Anti-Corruption Unit,
Perera Mawatha, Panadura.
- 7. R.A. JANITHA KUMARA**
Police Inspector
- 8. CHATHURANGA**
Assistant Police Inspector
- 9. P.L.A. JAYALAL**
Sub Inspector (No. 428)
- 10. WIJERATHNE**
Sargeant (No. 409)
- 11. SANJEEWA**
Police Constable (No. 91287)
- 12. SIYANTHA**
Police Constable (No. 94009)
- 13. NIRANJAN**
Police Constable (No. 104679)

14. DILSHAN

Police Constable (No. 104327)

15. SAMITHA

Women Police Constable (13103)

16. SILVA

Police Constable – Driver (No. 105529)

17. BANDARANAYAKE

Police Constable – Driver (105574)

7th to 17th Respondents all of whom are officers attached to the Walana Anti-Corruption Unit, Perera Mawatha, Panadura

18. HON. ATTORNEY GENERAL

Attorney General’s Department,
Colombo 12.

RESPONDENTS

On this 29th day of November 2024

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER HONOURABLE JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

The **Petition** of the Petitioner above-named appearing by **SANATH WIJewardane** his Registered Attorney-at-Law, states as follows:

SCOPE OF THE APPLICATION

PETITIONER

1. The Petitioner states that –
 - a. Petitioner is a citizen of the Democratic Socialist Republic of Sri Lanka and a career politician; and
 - b. Petitioner is an Attorney-at-Law.
2. The Petitioner is a National List Nominee for the Parliamentary Election 2024 and the National Organizer of the Samagi Jana Sandhanaya (SJS) political party which was the main opposition party at the 9th and the current 10th Parliament of Sri Lanka.
3. The Petitioner states that the Petitioner has held the Ministerial Portfolios of–
 - a. Deputy Minister of Justice during the period of 2015 January to 2015 July;
 - b. State Minister for International Trade during the period 2015 September to 2018 November; and
 - c. Minister for Science Technology and Research (Non-Cabinet) during the period 2019 January to 2019 October.
4. The Petitioner has served as–
 - a. Member of the Provincial Council representing the United National Party (UNP) during the period 2004 – 2009;
 - b. Member of the Provincial Council during the period 2009 – 2010;
 - c. Member of the Parliament during the period 2010 – 2015; and
 - d. Member of the Parliament during the period 2015 – 2019.

The Petitioner herewith annexes a true copy of the Profile of the Petitioner and the Appointment of the Petitioner as the National Organizer of the Samagi Jana Sandhanaya marked as ‘X1’ and ‘X1(i)’ respectively and are pleaded as part and parcel hereof.

RESPONDENTS

5. The Petitioner states that—
 - a. The 1st Respondent is the Acting Inspector General of Police;
 - b. The 2nd Respondent is the Deputy Inspector General of Police in charge of the Criminal Investigation Department;
 - c. The 3rd Respondent is the Director of the Criminal Investigations Department;
 - d. The 4th Respondent is the Assistant Superintendent of Police of the Public Complaints Division established under the Criminal Investigations Department;
 - e. The 5th Respondent is the Officer in Charge of the Public Complaints Division established under the Criminal Investigations Department;
 - f. The 6th Respondent is the Officer in Charge of the Walana Anti-Corruption Unit during the impugned period. Petitioner is unaware of the name of the said Respondent and reserves the right to add the name of the said Respondent as and when the same is made available to the Petitioner;
 - g. The 7th to 17th Respondents are Police Officers attached to Walana Anti-Corruption Unit who carried out the raid as disclosed in the facts reported to the Magistrate Court. The Petitioner reserves the right to add the full name of the said Respondents and the other officers who carried out the said raid as and when the said information is made available.
 - h. The 18th Respondent is the Hon. Attorney General.
6. The Petitioner state that the actions and/or conduct of the 1st to the 17th Respondents and/or any one or more of the said Respondents constitute Executive and Administrative action(s) as contemplated by Article 17 read with Article 126 of the Constitution.

SCOPE OF THE PRESENT APPLICATION

7. The Petitioner state that the Petitioner filed the application as presently constituted before Your Lordship’s Court *inter-alia* seeking the intervention of Your Lordships’ to exercise the Fundamental Rights Jurisdiction vested in Your Lordship’s Court against the infringement and/or imminent infringement of the Petitioners’ Fundamental Rights guaranteed in terms of Article 12 (1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution.
8. The Petitioner state that by this application the Petitioner is *inter-alia* impugning—
 - a. The purported investigation carried out by the 1st to the 17th Respondents and/or any one or more of the Respondents is contrary to law particularly Part V of the Code of Criminal Procedure Act (as amended);
 - b. Wrongfully carrying out the purported investigation in the absence of a first complaint;
 - c. The application for a search warrant of the premises of the Petitioner is bad in law; and
 - d. The purported investigation is tainted with mala fides with an ulterior motive to discredit the Petitioner and advance a hidden agenda.
9. The Petitioner states that –
 - a. The Presidential Election for the year 2024 was held on 21st of September 2024;
 - b. Subsequently a new administration was formed and the 1st Respondent was appointed as the Acting Inspector General of Police;
 - c. The Parliamentary Election was scheduled to be held on 14th November 2024;
 - d. In the run up to the said election, as customary investigations were accelerated against the politicians of the opposition parties;
 - e. Petitioner was the national Organizer of Samagi Jana Sandhanaya [SJS] which was the main opposition party leading the campaign on behalf of the party;

- f. The Petitioner was the second named nominee in the National List of Samagi Jana Sandhanaya;
- g. The actions and/or conduct of the 1st to the 17th Respondents complained hereof commenced from 02nd of November 2024, barely 12 days before the parliamentary election.

UNLAWFUL SEARCH OF THE PETITIONER'S PREMISES

10. The Petitioner states that—
 - a. On or around 02nd November 2024 a group of individuals claiming to be Officers attached to the Walana Anti-Corruption Unit forcefully entered the Petitioner's residence located at No. 03, Chelsea Gardens, Colombo 03 [hereinafter referred to as 'the Petitioner's residence'];
 - b. At around 7.30 p.m., the Petitioner was informed by the caretaker of the residence, Mr. Nimal, that the said group of officers had entered the premises forcefully and searched for LTTE uniforms, forged/false documents and unlawfully assembled vehicles; and
 - c. A statement was recorded from Mr. Nimal, Petitioner's caretaker of the house by the said officers.
11. The Petitioner states that —
 - a. On 03rd November 2024, the Petitioner lodged a complaint at the Cinnamon Garden Police Station in respect of the above incident of forcefully entering the house of the Petitioner; and
 - b. The aforesaid complaint was transferred to the Colpetty Police Station.

The Petitioner herewith annexes a true copy of the Acknowledgement of the complaint bearing reference CIB II 138/25 and an extract of the said Complaint is marked as 'X2(i)' and 'X2(ii)' and is pleaded as part and parcel hereof.

12. The Petitioner further states that—
 - a. Subsequent to the above search of the Petitioner's residence, the Petitioner received death threat via WhatsApp;
 - b. On 05th November 2024, the Petitioner lodged a complaint at the Colpetty Police Station *inter alia* in respect of the said death threats.

The Petitioner herewith annexes a true copy of the Acknowledgement of the complaint bearing reference CIB I 207/46 marked as 'X3' and is pleaded as part and parcel hereof.

13. The Petitioner states that—
 - a. On or around 06th November 2024, two officers from the Criminal Investigations Department arrived at the Petitioner's residence to record a statement from the aforesaid caretaker, Mr Nimal; and
 - b. Accordingly, a statement was recorded from the said caretaker.

14. The Petitioner states that—
 - a. The Petitioner through his Attorney-at-Law by letter dated 05.11.2024 requested the 6th Respondent namely the Officer in Charge of the Walana Anti-Corruption Unit for information regarding the purported raid at the Petitioner's residence; and
 - b. By letter dated 08.11.2024 the Attorney-at-Law of the Petitioner was informed that case bearing No. B 3572/2024 is pending before the Magistrate's Court of Fort.

The Petitioner herewith annexes true copies of the Letters dated 05.11.2024, the registered postal article and letter dated 08.11.2024 marked as 'X4', 'X4(i)', and 'X5' respectively and are pleaded as part and parcel hereof.

15. The Petitioner states that on or around 07th November 2024, the Officers of the CID arrived at the Petitioner's residence with an officer from Department of Motor Traffic (RMV), to inspect the vehicles at the Petitioner's residence and to conduct a search.

CASE BEARING NO. B 35672/24 IN THE MAGISTRATE'S COURT OF FORT

16. The Petitioner states that –

- a. The Petitioner was unable to find case bearing No. B 3572 as indicated by the 6th Respondent as referred to in the letter dated 08th November 2024;
- b. Petitioner was made to be aware that facts have been reported in respect of the subject matter of the present application in case bearing No. B 35672/24 before the Magistrate's Court of Fort and not case bearing No. B 3572 as referred to in the letter dated 08th November 2024; and
- c. The Petitioner verily believes that the 6th Respondent misled the Petitioner by quoting the wrong case number in the said letter dated 08th November 2024 with a view to frustrate the Petitioner from promptly seeking legal redress available to the Petitioner in terms of the law.

17. The Petitioner states that the Petitioner obtained a certified copy of the entire case record in Case bearing No. B 35672/24 pending before the Magistrate's Court of Fort.

The Petitioner herewith annexes a Certified copy of the said case record in Case bearing No. B 35672/24 marked as 'X6' respectively and is pleaded as part and parcel hereof.

18. The Petitioner states that upon perusal of the case record bearing No. B 35672/24 the Petitioner was shocked and perplexed by the conduct of the 1st to 17th Respondents and the manner in which the facts have been misrepresented before the Honourable Magistrate in obtaining orders.

PURPORTED INVESTIGATION CARRIED OUT BY THE WALANA ANTI-CORRUPTION UNIT

19. The Petitioner further states that upon perusal of the said case record the Petitioner observed that –

- a. the 9th and 11th Respondent have been surveilling the residence of the Petitioner on 02nd November 2024 based on the information provided by the Acting Inspector General of Police;
- b. The 6th and the 7th Respondent of the Walana Anti-Corruption Unit by reports dated 02.11.2024 have moved the Learned Magistrate to issue search warrants to search the premises of the Petitioner in search of forged/false documents, uniforms belonging to the LTTE and for illegal vehicles and to apprehend the Petitioner;
- c. The 6th Respondent by report dated 02.11.2024 has reported to the Learned Magistrate that the 6th Respondent is acting on the information furnished by the 1st Respondent, in the following manner:

“නො. 03, වෙස්ලි උද්‍යානය, කොළඹ 03 යන ලිපිනයේ පිහිටි නිවසෙහි චල්.ටී.ටී.ඊ සංවිධානයට අයත් නිල ඇඳුම් සහ ව්‍යාජ වාහන සඟවා ඇති බවට ඒකකයේ අධ්‍යක්ෂ තුමා වෙත වැඩි බලන පොලිස්පති තුමා විසින් ලබාදී ඇත.”

- d. The 7th Respondent attached to the Walana Anti-Corruption Unit by report dated 02.11.2024 has reported to the Learned Magistrate that the said officer is acting on the written information furnished to the Director of the said Unit by the 1st Respondent, in the following manner:

“නො. 03” වෙස්ලි උද්‍යානය, කොළඹ 03 යන ලිපිනයේ පිහිටි නිවසෙහි චල්.ටී.ටී.ඊ සංවිධානයට අයත් නිල ඇඳුම් සහ ව්‍යාජ වාහන සඟවා ඇති බවට ඒකකයේ අධ්‍යක්ෂ තුමා වෙත වැඩි බලන පොලිස්පති තුමා විසින් ලිඛිත තොරතුරක් ලබාදී ඇත”

14. The Petitioner states that upon perusal of the said case record it is further revealed the 6th Respondent by report dated 07th November 2024 has reported to the Learned Magistrate *inter alia* that no unlawful vehicles were found at the residence of the Petitioner upon carrying of the search in the following manner;

“ඉන් පසු මාහර, ඇතැම් ලියාපදිංචි ලියාපදිංචි යන අයගේ ප්‍රකාශයක් යටතේ කිරීමට කටයුතු කර ඇති අතර ඉහත ලිපිනයේ පිහිටි පරිශ්‍රය තුළ විවෘතව තිබූ ස්ථාන වල සහ වීම ස්ථානයේ නතරකර තිබූ රථවල තිබී සිදුකරන ලද පරීක්ෂාවේදී කිසිදු නීති විරෝධී ද්‍රව්‍යයක් හමු නොවූ බව ගරු අධිකරණයට ගෞරවයෙන් වාර්තා කරමි.”

FURTHER INVESTIGATION CARRIED OUT BY THE CRIMINAL INVESTIGATION DEPARTMENT [CID]

15. The Petitioner states that subsequent to the Walana Anti-Corruption Unit finding no LTTE uniforms or illegal vehicles or forged/false documents, the 1st Respondent has directed the CID to carry out further investigations as reflected in the facts reported to Courts by the 5th Respondent on the 08-11-2024 in the following manner –

“අංක 03. වෙස්ලි උද්‍යානය, කොළඹ 03 ලිපිනය පරීක්ෂා කරනු ලබන අවස්ථාවේදී මුල් තොරතුරේ සඳහන් කර ඇති කරුණු සම්බන්ධයෙන් නිරීක්ෂණය වූ බව සඳහන් කර ඇති අතර, TOYOTA V-8 වර්ගයේ WP K21-0696 දරණ සැක කටයුතු රථය වීම ලිපිනයේ දක්නට නොලැබුණු බව වාර්තා කර ඇත. ඒ අනුව, ඒ සම්බන්ධයෙන් වැඩිදුරටත් විමර්ශනය පවත්වන ලෙසට පොලිස්පතිතුමා විසින් මෙම දෙපාර්තමේන්තුවේ අධ්‍යක්ෂතුමා වෙත කරන ලද නියෝග පරිදි සහකාර පොලිස් අධිකාරී මිහිඳු අබේසිංහ මහතා අධීක්ෂණය කරනු ලබන මහජන පැමිණිලි අංශයේ ස්ථානාධිපති වන මා විසින් ඉදිරි විමර්ශන කටයුතු 1979 අංක 15 දරණ අපරාධ නඩු විධාන සංග්‍රහ පනතේ 125 වගන්තිය ප්‍රකාරව භාරගෙන පවත්වා ගෙන යන බව ගෞරවයෙන් වාර්තා කරමි.”

16. Petitioner submits that at present the investigation is carried out by the Criminal Investigation Department.

NO CREDIBLE FIRST INFORMATION/INFORMANT

17. The Petitioner states that upon perusal of the said case record it is apparent that–

- a. The 1st to 17th Respondents has engaged in a fishing expedition to frame the Petitioner;
- b. It appears that there is no first complainant in respect of the purported allegations and the 1st Respondent has acted mala fide in directing the investigations;
- c. It also appears that there is no first complainant in respect of the purported investigations carried out by the 2nd to the 6th Respondents; and
- d. It is crystal clear that these investigations are being carried out at the behest of the 1st Respondent without any credible information and/or reasonable cause.

18. The Petitioner states that–

- a. The conduct of the 1st to 17th Respondents are illegal and unlawful and motivated by ulterior motives with a probable hidden agenda;
- b. The said Respondents have embarked on a fishing expedition to unfairly frame the Petitioner; and
- c. The said investigations and the conduct of the 1st to 17th Respondents have adversely affected the Petitioner and his party at the eve of the Parliamentary Election which was scheduled for the 14th of November 2024.

The Petitioner herewith annexes true copies of the Newspaper Articles and cover photos of videos published on the Internet marked as ‘X7(i)’ to ‘X7(vi)’ and are pleaded as part and parcel hereof.

TOYOTA V8 BEARING NO. CBO 8554

19. The Petitioner states that –
- a. The said vehicle was purchased by the Petitioner from Mr. Sri Ranga who is a former Member of Parliament;
 - b. At the time the vehicle was purchased, the same was damaged pursuant to an accident;
 - c. The Petitioner purchased the said vehicle in the said condition and repaired it;
 - d. Since the said date the Petitioner has been using the said vehicle; and
 - e. The said vehicle has been duly imported by Toyota Lanka and duly registered with the Department of Motor Traffic.

The Petitioner herewith annexes true copies of the Certificate of Registration of the vehicle bearing No. CBO 8554, the revenue license and the insurance card marked as 'X8(i)' to 'X8(iii)' respectively and are pleaded as part and parcel hereof.

20. The Petitioner further states that the said vehicle is registered in the name of the Petitioner and the Petitioner has paid the motor vehicle levy applicable for a semi luxury vehicle for the years 2021/22, 2022/23, 2023/24, and 2024/25.

The Petitioner herewith annexes true copies of the receipts of payment of the levies applicable marked as 'X9(i)' to 'X9(iv)' respectively and are pleaded as part and parcel hereof.

PETITIONER HAS ASSISTED INVESTIGATIONS IN EVERY MANNER POSSIBLE

21. The Petitioner states that –
- a. Upon being informed, the Petitioner personally drove the said vehicle to the Government Analyst Department on 8th November 2024 and an inspection of the said vehicle was carried out in the presence of the Petitioner and the officers of the CID;
 - b. The officers of the Government Analyst Department carried out an inspection and confirmed that except for the repair in the hood the vehicle has not been assembled;
 - c. Upon completion of the said investigation by the Government Analyst Department, the officers of the CID released the said vehicle to the Petitioner;
 - d. Despite fully cooperating with the investigation and the Government Analyst Department clearing any wrong doing in respect of the said vehicle, the 5th Respondent on or around 11th November 2024 has misrepresented facts to the Learned Magistrate and obtained an Order to take the said vehicle into the custody of the CID as a production;
 - e. Petitioner duly complied with the said order and handed over the said vehicle;
 - f. Thereafter, when the said matter was taken up before the learned Magistrate on 25.11.2024, the Government Analyst Department submitted a report as requested by Court;
 - g. Despite the report of the Government Analyst Department being submitted, the officers representing the CID vehemently opposed releasing the said vehicle, insisting to retain the vehicle in the custody of the CID, in order to remove the engine to verify the engine number;
 - h. However, in view of the submissions made by parties the learned Magistrate by order dated 25-11-2024 *inter alia* released the said vehicle to the Petitioner subject to a bond.
22. The Petitioner states that during the course of the said vehicle being analyzed by the Government Analyst department and being retained in the custody of the CID extensive damages has been caused to the vehicle which the Petitioner is in the course of assessing the same.

The Petitioner herewith annexes a true copy of the Official Receipt issued by the CID acknowledging the receipt of the vehicle bearing No. WP CBO 8554 marked as 'X10' respectively and are pleaded as part and parcel hereof.

THE PURPORTED INVESTIGATION IS CONTRARY TO PART V OF THE CODE OF CRIMINAL PROCEDURE ACT (AS AMENDED)

14. Petitioner further states that –
 - a. The 1st to the 17th Respondents have failed to follow the procedure in terms of the law in carrying out the purported investigation;
 - b. The safeguards established in terms of the Code of Criminal Procedure Act has been violated;
 - c. The 1st to the 17th Respondents have misrepresented facts and mislead the learned Magistrate in obtaining orders;
 - d. Thus, the purported investigation is bad in law and ab initio void and has been carried out at the behest of the 1st Respondent in total lack of evidence warranting such investigation.
15. The Petitioner states that it is shocking to note that every step taken in the purported investigation has been simultaneously disclosed to the media and particularly on a YouTube channel named “Ethalaya News – ඊතලය පුවත්”. Petitioner also notice that disproportionate media attention has been attributed to the impugned investigation which could not have been possible without one or more of the 1st to the 17th Respondents and/or their agents acting collusion with such media institutions.
16. The Petitioner states that the following instances demonstrate the unwarranted media disclosures during the investigation carried out with ulterior motives and the resulting effect and adverse impact on the Petitioner and his role as the National Organizer of Samagi Jana Sandhanaya, the main opposition party;
 - a. The raid conducted by the CID on the 11th of November 2024 was immediately reported on the Ada Derana YouTube channel. A video titled “ප්‍රශ්නගත සුපීලගේ සැප රිය. CID ය ඒමට පෙර සුපීල ගිය ගමන” was published on the same day, accessible at the following URL: <https://www.youtube.com/watch?v=V5CrWuxe8FU>.
 - b. A detailed statement alleging facts about the investigation was posted on the Ethalaya News YouTube channel. A video titled “සුපීල සේනසිංහගේ හොර වාහනේ ඇත්ත කතාව. පරීක්ෂණයට ගන්න. CID ලොක්කට කෝටි 3 ක් 2024.11.11” was published on the 11th of November 2024, accessible at the following URL: https://www.youtube.com/watch?v=_HRx5OrndjM.
 - c. On the 12th of November 2024, another video was posted on the Ethalaya News YouTube channel titled “ප්‍රශ්නගත සුපීලගේ සැප රිය. CID ය ඒමට පෙර සුපීල ගිය ගමන”, available at the following URL: <https://www.youtube.com/watch?v=HBMhmOCriY0>.

The Petitioner herewith annexes a Pen Drive containing the said videos marked as 'X11' respectively and are pleaded as part and parcel hereof.

17. The Petitioner states that these disclosures were unauthorized and breached the confidentiality of the investigation process and *inter alia*;
 - a. Compromising the Petitioner’s right to a fair and impartial investigation guaranteed under Article 12(1) of the Constitution; and

- b. Exposing the Petitioner to unwarranted public prejudice thereby endangering the presumption of innocence guaranteed to the Petitioner under Article 13(5) of the Constitution.
18. The Petitioner specifically plead that the 1st to the 17th Respondents should have been aware and had no reason not to be aware that the manner in which the investigation is been carried out had extensive media coverage depicting the Petitioner negatively in the eyes of the public. Petitioner verily believes one of the main objectives and/or agenda of the Respondents is to frame the Petitioner in the negative light in the eyes of the general public.
19. The Petitioner states that –
 - a. In view of the actions of the 1st to the 17th Respondents, the Petitioner was unable to carry out his duties to the best of his abilities as the National Organizer of Samagi Jana Sandhanaya;
 - b. The purported investigation affected the performance of the Petitioner as he was confined to his residence, courts and lawyers and thus the Petitioner was not in a right frame of mind to lead the campaign at a very crucial stage of the General election;
 - c. The disproportionate media attention affected the party and prospects of the Petitioner being appointed on the national list;
 - d. Thus, the 1st to the 17th Respondents achieved their ulterior motive of distracting the Petitioner from carrying out the campaign and framing the Petitioner in the negative light in the eyes of the general public at a very crucial stage of the campaign.
20. Petitioner further state that the purported complaint and/or the direction of the 1st Respondent which set the investigation in motion is–
 - a. Totally false;
 - b. Frivolous;
 - c. Vexatious;
 - d. Lodged with an ulterior motive; and
 - e. Has no merits.
21. Petitioner states that in the totality of the aforesaid circumstances, the conduct of the 01st to the 17th Respondents and/or any one or more of the Respondents in carrying out the purported investigations in the absence of reasonable cause against the Petitioner and the imminent actions of the said Respondents are;
 - a) Unlawful;
 - b) Unreasonable and irrational;
 - c) Violation of the Petitioner’s legitimate rights as a citizen;
 - d) Violative of the Fundamental Rights of the Petitioner guaranteed under Article 12 (1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution;
 - e) Poses an imminent threat of further violating one or more of the Petitioners Fundamental Rights guaranteed and enshrined under Articles 12(1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution; and
 - f) Offends the Wednesbury Principle of reasonableness and hence cannot stand in law.
22. Petitioner states for purposes of fuller disclosure that the Petitioner lodged a complaint at the Human Rights Commission of Sri Lanka [HRCSL] in respect of the aforesaid conduct of the Respondents.

The Petitioner herewith annexes a true copy of the complaint made to the HRCSL and the acknowledgment issued thereof marked as ‘X12(i)’ and ‘X12(ii)’ respectively and are pleaded as part and parcel hereof

23. Petitioner states that in the totality of the said circumstances, the actions and/or conduct of the 1st to the 17th Respondents and any one or more of the said Respondents are *ex-facie* contrary to the imperative provisions of the Code of Criminal Procedure Act (as amended).
24. Petitioner respectfully reserve the right to tender further documents, affidavits and material in support of the averments contained herein and the certified copies of the documents pleaded herein if necessary, with the leave of Your Lordships' Court.
25. Petitioner states that the Petitioner has not previously invoked the jurisdiction of Your Lordships' Court in respect of this matter.
26. An affidavit of the Petitioner is annexed hereto in support of the averments contained herein.

WHEREFORE, THE PETITIONER PRAYS THAT YOUR LORDSHIPS' COURT BE PLEASED TO:

- a. Issue notice on the Respondents;
- b. Grant the Petitioner Leave to Proceed in respect of the infringement of the Fundamental Rights of the Petitioner enshrined under Article 12(1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution;
- c. Grant and issue a declaration that there is an infringement of the Fundamental Rights of the Petitioner guaranteed and protected under Article 12(1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution by the aforesaid actions and/or conduct of the 1st to 17th Respondents and/or any one or more of the Respondents;
- d. Grant a declaration that there is an imminent infringement of the Fundamental Rights of the Petitioner guaranteed and protected under Article 12(1) and/or Article 13(5) and/or Article 14(1)(a) and (c) of the Constitution by the aforesaid actions and/or conduct of the 1st to 17th Respondents and/or any one or more of the Respondents;
- e. Grant a declaration that the purported investigation carried out by the 1st to 17th Respondents against the Petitioner is contrary to law especially Part V of the Code of Criminal Procedure Act (as amended);
- f. Grant a declaration that the application of the 6th Respondents at the behest of the 1st Respondent made in Case bearing No. B 35672/2024 in the Magistrate Court of Fort on 02nd of November 2024 is bad in law and tainted with mala fide;
- g. Make Order directing the Police Commission to hold a disciplinary inquiry and take appropriate action against the 1st to 17th Respondents and/or any one or more of the Respondents in respect of their conduct impugned in these proceedings;
- h. Grant compensation in a sum Your Lordship's Court deem appropriate in the circumstances of this case taking into consideration the damages caused to the Petitioner's vehicle bearing No. CBO 8554;
- i. Grant Costs; and
- j. Grant such other and further relief as Your Lordships' Court shall seem meet.



ATTORNEY-AT-LAW FOR THE PETITIONER