

*Director General, Commission to Investigate Allegations of Bribery and Corruptions v  
Lokubadu Dayachandra Gamini Jayasooriya*

CA (PHC) APN 135/2010 HC Colombo 1833/2010

*Section 20(iv) of the Bribery Act: Gratification and accepting a gratification for inducement is an offence.*

Facts

the accused was indicted in the High Court for soliciting a sum of Rs 600,000 from a specific person in order to secure a release for a person who was in remand in connection with an offence under the Migration and Emigration Act.

High Court discharged the accused on the ground on the ground that securing a release of a suspect from the magistrate Court does not fall within the meaning of 'benefit from the Government'.

The petitioner seeked to revise the order of the learned High Court Judge.

Judgment:

In examining the correctness of the decision by the learned High Court Judge the Court of Appeal cited a few instances where a person can be discharged of the offence:

- Where an officer in charge of the police station has withdrawn the B report of allegiance which is required for evidence.
- In an instance where the officer has decided that he will not file charges against the suspect since there is an absence of evidence.
- Attorney General has asked the court to discharge the accused due to absence of evidence.

In the following case none of the instances were proved and there was evidence that gratification had been solicited to the magistrate by the officer in charge of the police station.

Therefore the decision to discharge the accused was an error.

Petition Allowed