

Sulaiman Lebbe Mohamed Uwais Vs. The Director General of The Commission to Investigate Allegations of Bribery and Corruption, (CA (PHC) APN 86/2010 HC Colombo B 1469/2004 (2/CA) Decided on 3/2/2011.

An application for Revision in terms of Article 138 of the Constitution read with Section 20(2) of the Bail Act No.30 of 1997.

Sisira de Abrew J, with Anil Gooneratne J, agreeing;

The accused was indicted on four counts under the Bribery Act under Section 199(b) and (c). The accused has preferred an appeal against the said conviction and sentence.

Trial Judge had not followed the procedure established by law in Section 283(1) of the Criminal Procedure Code (CPC) and Article 13(4) of the Constitution was raised in this court.

Held;

Court of Appeal hearing the main appeal is empowered to affirm the conviction under provisos to Section 334 of the Criminal Procedure Code and Article 138 of the Constitution after considering the evidence of the case.

Attorney General Vs Ediriweera: "In any event our Courts have held consistently, that in an application for bail after conviction, the appellate Court should not pre-empt the hearing of the substantive appeal."

Rex Vs. Muthuretty "that in a bail pending appeal, Court will not grant bail as a rule. Bail is granted only in exceptional circumstances. "

The petitioner has not established exceptional circumstances to release the accused on bail.

Appeal dismissed.