

*Dharmadasa vs Director General, Commission to Investigate Allegations of Bribery or Corruption and Another. Application Number SC Appeal 28/2002, H.C.M.C.A (COLOMBO 60) 2000, M.C.COLOMBO CASE NO.B/6552/1/96. Decided on 2002. 13. 12.*

*Section 19(b) and (c) of the Bribery Act – a conviction will be upheld unless there is evidence that disproves the standard of proof beyond a reasonable doubt.*

Gunasekara J., Wigneswaran J., Weerasekera J.

The Appellant, a clerk of the District Court of Matale, allegedly solicited a bribe while performing his official duties. The Complainant filed a written complaint to the Bribery Commissioner. The Appellant was convicted under Section 19(b) and (c) of Bribery Act and the decision was upheld in the High Court. The Appellant argues that he was wrongfully convicted because the Complainant had staged the evidence. The Appellant alleges that the Complainant had purposefully thrust the rupees into the Appellant's trouser pocket due to a grievance regarding an unrelated land case.

Held;

There is evidence that disproves the Appellant's allegations of the Complainant fabricating the evidence as retribution for an unrelated grievance. This is disproven by the inconsistencies of dates between the written complaint made to the Bribery Commissioner, dated 28.11.1996, and the land case that was instituted on 24.09.1998. This evidence reveals that the bribery event could not possibly be related to the land case because it occurred two years after the complaint to the Bribery Commissioner. Therefore, there is no evidence that suggests that the allegations were fabricated as retribution for the land case. There is no additional evidence that allows for the decision to be overturned.

*Appeal dismissed subject to variation of sentence.*