

Karunaratne v. Attorney General, CA. NO. 167/94 H.C.Colombo No. B 785/92 (2/CA) Decided on 14/05/1997.

Bribery Act - S. 19, 19 (c), S. 89 (a) - Proof beyond reasonable doubt - Solicitation on dates specified in the Indictment - Evidence Ordinance - S. 154.

Gunasekera, J. (P/CA) with De Silva, J. agreeing,

In this case, the accused-appellant was indicted on 4 counts under sec. 19, 19 (c) of the Bribery Act. The Accused-appellant had taken bribe or solicit gratification and was convicted on all 4 counts of the indictment and sentenced to a term of 2 years, rigorous imprisonment in respect of each count which sentence was suspended for a period of 7 years. Fines also had been imposed.

President's Counsel took the view that the prosecution has failed to prove beyond reasonable doubt.

Held;

The evidence was led to prove that there was a willingness to accept an, there is no positive evidence in regard to the date when that willingness was expressed which would be covered by section 89 (a) of the Bribery Act.

Also, it was upheld that the prosecution has failed to prove beyond reasonable doubt that there was a solicitation by the appellant on the dates specified in the indictment.

Amid of these contradictions, learned senior state counsel did not seek to support the conviction of the accused-appellant on counts 3 and 4. Finally, conviction was set aside.

Appeal allowed.