

Amended Caption

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

In the matter of an application under **Article 140** of the Constitution read with **Section 24** of the Commission to Investigate Allegations of Bribery or Corruption Act No 19 of 1994 for a Mandate in the nature of Writ of **Mandamus**

Nagananda Kodituwakku  
99, Subadrarama Road  
Nugegoda

**Petitioner**

**Vs**

**SC (Writ) Application No: 03/2015**

1. Commission to Investigate Allegations of Bribery or Corruption  
No 36 Malalasekera Mawatha,  
Colombo 07
2. D.J.De S. Balapatabendi (Chairman) of the Commission *now replaced with*  
T B Weerasuriya
3. L.K Wimalachandra (Member) of the Commission  
*now replaced with*  
W Lal Ranjith Silva
4. Jayantha Wickramaratne (Member) of the Commission  
*Now replaced with*  
Chandranath Neville Guruge
5. Dilrukshi Wickramasinge (Director General)  
Commission to Investigate Allegations of Bribery or Corruption  
No 36 Malalasekera Mawatha,  
Colombo 07
6. Mohan Peiris  
3-14D, Kinsey Road  
Colombo 8

**Respondents**



To: **THE HON' CHIEF JUSTICE AND THE OTHER HON' JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

19<sup>th</sup> Nov 2015

Whereas this Writ Application is now fixed for support on **03<sup>rd</sup> of December 2015**

And whereas after the filing of this Writ Application the Customs Department had initiated a formal Customs Inquiry (P/MISC/93/200) on 07<sup>th</sup> August 2015 into the relevant revenue fraud referred to in paragraph 3 of the Petition of the Petitioner, committed by the suspect company, Colombo Dockyard PLC

And whereas at the said formal Customs Inquiry (P/MISC/93/200) the suspect Company has been found guilty and conceded the act of violation of Customs Ordinance and pleaded for mitigation

And whereas the Customs Department has accordingly made following order against the suspect company

- a) Imposition of a levy of Rs 88,876,574.41 (over rupees eighty eight million) for the marine craft sold without the prior approval of the Director General of Customs.
- b) A mitigated forfeiture of Rs 10,000,000.00 (Rupees ten million) for the contravention committed with knowledge.

And whereas the suspect company has now fully complied with the said order and paid the levies and the mitigated penalty in full

And whereas further to the complaint made against the 6<sup>th</sup> Respondent by the Petitioner on 18<sup>th</sup> Jan 2015 (Ref P3) the 1<sup>st</sup> Respondent also has initiated an investigation and further to a request made by the 1<sup>st</sup> Respondent to the Petitioner, the Petitioner had furnished a statement of facts by way of an affidavit (17<sup>th</sup> Nov 2015) to the 1<sup>st</sup> Respondent

*A copy of the said affidavit dated 17<sup>th</sup> Nov 2015 marked P18 and the covering Letter marked P19 are attached hereto*



P19  
Kodituwakku & Co.

Wherefore, the Petitioner has now decided to withdraw the Writ Application (SC/Writs/03/2015) filed against the 1<sup>st</sup> to 5<sup>th</sup> Respondents for their failure to initiate action as required by Section 3 and 4 of the law (Commission to Investigate Allegations of Bribery and Corruption Act No 19 of 1994), against the 6<sup>th</sup> Respondent for abuse of Office of the Attorney General in the cover up of the revenue fraud referred to in the paragraph 3 of the Petition, thereby causing a colossal loss of revenue to the government, an action of which falls within the Section 70 of the Bribery Act.

A copy of this Motion with amended Caption and the Documents marked P18 and P19 have been served on the 1<sup>st</sup> to 6<sup>th</sup> Respondents and the proof of delivery is enclosed herewith.

N. Kodituwakku

  
**Petitioner in person**  
Attorney-at-Law & Commissioner for Oaths  
99, Subadrarama Rd, Nugegoda.