

H.M. Gunathilaka v The Bribery Commissioner, (CA Application No 318/2007, HC-Colombo- B 1445/2004) (2/CA) Decided on 06/03/2014

S. 19(b) and (c) of the Bribery Act No 2 of 1965- public servant soliciting or accepting any gratification as an inducement or a reward for his performing or abstaining from performing any official act to be guilty of an offence

Sisira J. Abrew, J. with W. D. C. Jatathilaka J. agreeing,

The accused appellant has been convicted of soliciting a bribe punishable under S. 19(b) and (c) despite his defence that the virtual complainant came and put money in the drawer of the accused appellant's table. Subsequently, the determination was challenged in the Court of Appeal.

Held;

The court was on the opinion that the said defence has not been taken up by the accused appellant in his dock statement. He took up this position only when he was arrested.

The sentence imposed by the trial judge was mitigated while the fines and penalty so imposed remains unaltered.

Appeal dismissed.