

**Perera v, The Queen 69 NLR 431**

J. Gregory Perera **Appellant**, and The Queen, **Respondent**, S. C. 1/67-D.C. (Bri.) Colombo, 20, APPEAL from a judgment of the District Court, Colombo.

ABEYESUNDERE, J. with SIVA SUPRAMANIAM j agreeing

**Facts**

The appellant was indicted under Section 19 (c) of the Bribery Act, as amended by Act No. 40 of 1958, with having solicited a gratification of Rs. 100 which he was not authorized by law or the terms of his employment to receive and with having accepted a gratification of Rs. 100 which he was not authorized by law or the terms of his employment to receive. He was convicted on both counts of the indictment and sentenced to a term of 3 years' rigorous imprisonment on each count and to pay a fine of Rs. 100 on each count.

**Held**

Appellant submits that there is no evidence led by the prosecution to establish that the appellant was not authorized by law or the terms of his employment to solicit or receive the aforesaid gratification. P6 is the letter of appointment of the appellant. P6 is not sufficient to establish the ingredients of the offence alleged under paragraph (c) of Section 19 of the Bribery Act. Crown Counsel who appears for the Attorney-General submits that the Court can take judicial notice of any law. In establishing a charge under Section 19 (c) of the Bribery Act, what the prosecution has to prove is, inter alia, that there is no law authorizing the accused to solicit or accept the gratification mentioned in the charge. It is not possible for any Court to take judicial notice of the absence of such a law. Prosecution has failed to lead evidence necessary to establish one ingredient of the offence alleged in the indictment. Therefore, conviction of the appellant and the sentence passed on him and he was acquitted.

Appeal allowed