Wijeratne Bandara v Director General of Prevention of Bribery and Corruption [2005] 2 SRI LR 243, (CA Application No. 138/2001, HC- Colombo B 1121/95) (2/CA) Decided on 20/06/2005.

Section 20(b), 28(b) of the Bribery Act

Facts;

The accused -appellant was indicated on two counts for committing offences under Section 28(b) of the Bribery Act. After trial the learned High Court Judge convicted the accused appellants as charged, and sentenced to rigorous imprisonment and imposed a fine and a further penalty. An appeal was made to the Court of Appeal challenging this decision.

The counsel for the accused appellant argued that the evidence led at the trial didn't support the particulars of the offence described in the indictment, and the charges mentioned in the indictment under section 20(b) of the Bribery Act were general and ambiguous, thus not in compliance with the section 165 of the Code of Criminal Procedure Act No 15 of 1979.

Held;

The learned High Court Judge's findings had been based on correct evaluation of the evidence led at the trial and on corroborated testimony. Furthermore the two charges in the indictment have specified the purpose of soliciting and accepting the money, and thus contain all necessary particulars enough to give the accused appellant a notice of the nature of the offence charged with.

Gunasekera vs. Queen- Section 20 of the Bribery Act is designed to punish those who use the advantage of personal family position for the actual or pretended purpose of influencing the Commission by "officials" of offences under other sections of the Act.

Perera Vs. Hon. Attorney-General- Section 20 of the Bribery Act is not restricted to and does not refer to the offering or taking of gratification to or by public officer. Any person who solicits or accepts gratification as an inducement for procuring, or furthering the securing of any grant, lease or other benefit from the Government, is guilty of Bribery.

The conviction and the sentences imposed were affirmed.

Appeal dismissed.