

1967

Present : Sirimane, J.

P. L. PREMADASA and 3 others, Petitioners, and THE QUEEN,  
Respondent

*S. C. 213 A-D/67—Application for Bail under Section 31 of the Courts  
Ordinance in M. C. Trincomalee, 2660*

*Courts Ordinance—Section 31—Application for bail thereunder—“ Good cause shown  
to the contrary”.*

In an application for bail under Section 31 of the Courts Ordinance—

*Held*, that, when a case is added to the calendar at a stage when there is not  
enough time to summon witnesses, there is “ good cause shown to the contrary ”  
within the meaning of the Section.

**A**PPPLICATION for bail.

*Mangala Munasinghe*, with *Percy Karunaratne*, for the Petitioners.

*J. R. M. Perera*, Crown Counsel, for the Attorney-General.

June 26, 1967. SIRIMANE, J.—

This is an application for bail under Section 31 of the Courts Ordinance. It is common ground that the indictment was served on the accused on 19.4.67 and that the Eastern Sessions had opened on 18.4.67 and were due to close on 6.5.67.

The earliest date on which the accused could have been brought to trial after the lapse of 14 days from the date of service of the indictment was 4.5.67, which was 2 days before the sessions were due to close. At the instance of the defence the case had been fixed for trial on 2.5.67. But the prosecution had not been able to serve summons on its principal witness who had changed his address. It is not denied that the prosecution made another effort to serve summons on this witness by sending the summons through a special police officer and acceded to the defence request to fix the case for trial on the 3rd of May. Summons however could not be served on that witness.

The accused therefore has not been brought to trial at the first Criminal Sessions at which he might have properly been tried and prima facie he is entitled to bail. But I think in this case the Crown has shown 'good cause against the granting of bail.

As Sansoni, J. pointed out in *The Queen v. Sunderam*<sup>1</sup>, when a case is added to the calendar at a stage when there is not enough time to summon witnesses there is "good cause shown to the contrary" within the meaning of Section 31. The application is refused.

*Application refused.*

---