
IN THE COURT OF APPEAL OF
THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an Application for **Writs of *Mandamus*, *Prohibition*** and ***Certiorari*** under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Case No.:

Rajith Keerthi Thennakoon

No. 482/4,

Rajagiriya Road, Rajagiriya.

The Petitioner

Vs.

01. Hon. Attorney General

Attorney General's Department

Hulftdorp, Colombo 12.

02. Inspector General of Police,

Police Head Quarters,

Colombo 01.

03. Ajith Nivard Cabral,

No. 32/7, School Lane,

Nawala.

04. P. B. Jayasundare,

Secretary to the President,

Presidential Secretariat,

Galle Face, Colombo 01.

05. Basil Rajapakshe,
Minister of Finance,
The Secretariat,
Colombo 01, Sri Lanka.

06. T. M. J. Y. P. Fernando,
Deputy Governor,
Central Bank of Sri Lanka,
Janadipathi Mawatha, Colombo 01.

The Respondents

On this 14th Day of September 2021

To His Lordship the Honourable President and other Honourable Judges of the Court of Appeal of the Democratic Socialist Republic of Sri Lanka.

The Petition of the Petitioner appearing through Ms. Darshika Perera and Ms. Samudra Gunaeardana under the name and style of “Niclo Associates” his Registered Attorneys-at-Law, states as follows.

1. The Petitioner states that the Petitioner is a citizen of Sri Lanka and who is also the former Governor of Southern and Central Province.
2. The Petitioner states that,
 - a. the 1st Respondent is the Attorney General of the Republic who is the public prosecutor of Sri Lanka;
 - b. the 2nd Respondent is the Inspector General of Police who has the powers to arrest, detain, conduct investigations of the suspects who commit crimes in Sri Lanka for the purpose of maintaining the law and order of the Republic;

- c. the 3rd Respondent is the outgoing Hon. State Minister of Sri Lanka Parliament and also the alleged suspect of crimes those have been morefully described below;
 - d. the 4th Respondent is the Secretary of the President of the Republic who has been named as the party to this action, to communicate the orders and/or decisions made in this action by Your Lordships' court;
 - e. the 5th Respondent is the Minister in charge of Finance of the Country who recommends a suitable person as a Governor of the Central Banka to the President under Section 12 of the Monetary Law;
 - f. the 6th Respondent is one of the Deputy Governors in the Central Bank.
3. The Petitioner states that the 3rd Respondent was the Governor of Central Bank of Sri Lanka [hereinafter sometimes referred to as 'the CBSL'] since 1st of July 2006 to 08th January 2015 and held the post of State Minister of Finance representing Podujana Peramuna Party in Sri Lanka Parliament until 13-09-2021.

A copy of the details of 3rd Respondent published in the official website of the Parliament is annexed herewith marked as "A1" and pleaded part and parcel hereof. A copy of the Press Release issued by the Central Bank of Sri Lanka dated 09-01-2015 of the resignation of the 3rd Respondent is annexed herewith marked as "A2" and pleaded part and parcel hereof.

4. The Petitioner states that during the period of 'Yahapalana' government (08-01-2015 to 17-11-2019), former President, Hon. Maithripala Sirisena appointed a Special Presidential Commission to investigate the financial embezzlement or any other insider dealings alleged to have committed (if any) by certain group of persons in the process of issuance of Government Treasury Bonds from 01-02-2015 to 31-03-2016.

A copy of the Extraordinary Gazette Notification no. 2003/41 dated 2017-01-27 pertaining to the mandate given by His Excellency the President to have the aforesaid Commission of Inquiry is annexed herewith marked as "A3" and pleaded part and parcel hereof.

5. As a result, 3-members Special Presidential Commission of Inquiry, consisted of Justice K. T. Chitrasiri, late Justice Prasanna Jayawardena and retired Deputy Auditor General, V. Kandasamy was appointed and the aforesaid inquiry report [hereinafter sometimes referred to as 'Presidential Commission Report'] was handed over to the then President on or about 30-12-2017.

The Petitioner reserves his right to produce the entirety of aforesaid report which has been made in public, if and when Your Lordships' of the view that such is necessary for the prosecution of this action, in due course.

Albeit, page 109-111 of the Presidential Commission Report are annexed herewith marked as "A4" and pleaded part and parcel hereof.

6. The Presidential Committee Report made recommendations to the President to appoint a team of experts to conduct a forensic audit affair of the Central bank on issuance of Treasury bonds and inquiry pertaining to the irregularities occurred within the Central Bank on a designated period. This responsibility was assigned to the Central Bank and the Monetary board of the Central Bank.
7. As per the instructions of the Central Bank and the Monetary Board of the Central Bank, the Company called BDO India, LLP (An Indian Company which offers Assurance, Tax, Advisory, Business and Forensic services) conducted a forensic audit as requested and handed over its report to the central bank.

8. In the said report, the BDO India LLP examined the conduct of Regulatory and Supervisory roles by the superintendent of public debt/director, supervision of non-bank financial institutions pertaining to selected Primary Dealers for the Review Period (“1 January 2009 to 31 December 2017”) by the Central bank of Sri Lanka [hereinafter sometimes referred to as ‘the Forensic Report’].

The Parliament copy of the aforesaid Forensic Report is annexed herewith marked as “A5a” and pleaded part and parcel hereof.

9. The Petitioner states that according to the aforesaid forensic Report pertaining to the review period of (“1 January 2002 to 28 February 2015”) [pages 23 to 26] calculated that the Central bank of Sri Lanka had incurred losses between Rs. 10.4 - 10.6 Billion from year 2005 to 2015 to the Sri Lanka Government, whilst the 3rd Respondent was the head of Central bank.

Page 23 to 26 of the Parliament copy of the aforesaid Forensic Report is annexed herewith marked as “A5b” and pleaded part and parcel hereof.

10. The Petitioner is of the view that the aforesaid Special Presidential Commission Report and the aforesaid Forensic Report are now a public document and 1st and 2nd Respondents should presume its existence and they are legally bounds to act upon on the recommendations made by the Presidential Commission report and the findings of the forensic report.

11. The Petitioner states that the knowledge of the 1st Respondent of the aforesaid Forensic Report is reflected from the official communiqué sent by the 1st Respondent to the Central bank of Sri Lanka not to make it a public document when the Parliament was intending to table the aforesaid report.

The Petitioner reserves the right to file the Hansards and the decision of the Speaker of the Parliament over this conduct of the 1st Respondent, in the event the 1st Respondents denies the aforesaid fact, in due course.

12. The incumbent President and the new government inducted on 2020 February after the Presidential elections and the Parliamentary elections in 2019 August, promised through its election manifesto to take necessary legal actions against the suspects who alleged to have committed financial swindling as per the revelations made by the said 2-reports.
13. The Petitioner states that although the 1st Respondent has taken steps to act against the alleged swindlers who mishandled and/or misappropriate the state funds between the period of 26-01-2015 to 02-03-2015, so far the 1st or 2nd or 5th Respondents mentioned above who have legal duty to act upon these findings have not yet initiated to take an action against the alleged swindlers mentioned in the forensic report other than the aforesaid time period.
14. The Petitioner states that, meanwhile, the 1st Respondent prepared and served the indictment against 10-accuseds on or about 19-07-2019, based on 23-charges, in the case bearing no. PTB/01/05/2019, which ranges from offences punishable under section 113(b), 102, 386 and 388 of the Penal Code, section 5(1) of the Public Property Act and section 5 and section 56(A)1(a) of the Registered Stock and Securities Ordinance.

A copy of the aforesaid Indictment is annexed herewith marked as "A6" and pleaded part and parcel hereof.

15. By filing the aforesaid case bearing no. PTB/01/05/2019 at the Permanent Trial at Bar presided in Colombo, the 1st Respondent and/or 2nd Respondent who have legal duty to act upon the findings of the forensic report have inadvertently and/or deliberately not acted upon or taken steps to bring the

3rd Respondent before the law, against whom the following evidence were unearthed by the forensic audit Report.

16. The Petitioner, *inter alia*, lists out the evidence against the 3rd Respondent, which were available to the 1st Respondent, as at the date of filing the aforesaid indictment, as follows:

I. Point no. 2 of page no. 152 of the Forensic Report;

("As per the Presidential Commission of Inquiry ("PCOI") Report, electronic media and Annual Reports of various Primary Dealers and Banks supervised by the CBSL, former Governor Ajith Nivard Cabraal, while holding office from July 2006 to February 2015, had several of his close relatives appointed to the chief positions in Banks under the purview of CBSL.")

II. Point no. 3 of page no. 152 of the Forensic Report;

("Family relationships to be considered as conflict of interest, such as all direct descendants and ancestors, without regard to financial interests. The determination of the red flags from these identified relationships could led to a deliberation.")

III. Family Tree of Ajith Nivard Cabral mentioned in page no. 153 of the Forensic Report;

IV. Point no. 5 of page no. 154 of the Forensic Report;

("It was mentioned in PCOI Report and as noted during the public domain searches that the relatives of Ajith Nivard Cabraal held influential positions in Primary Dealers and/or related company of Primary Dealers, during his tenure as a Governor of the CBSL.")

V. Point no. 6 of page no. 154 of the Forensic Report;

(“Noted that Siromi Noel Wickramasinghe and Shibani Renuka Thambiayah identified as relatives of Ajith Nivard Cabraal directly/indirectly connected to selected Primary Dealers.”)

VI. Point no. 7 of page no. 154 of the Forensic Report;

(“Siromi Noel Wickramasinghe, sister of Ajith Nivard Cabraal was associated with the holding company of PTL, Perpetual Capital Holdings (Private) Limited as a Director from 23 December 2013 till 9 March 2015. The details with regards to her background were gathered from various sources which revealed that she was associated with HNB Assurance (fully owned subsidiary of HNB) as a Director from 2013 till 2017 and with Commercial Bank of Ceylon as a Director from 1 February 2009 till 26 May 2010. She was chairperson of the Housing Development Finance Corporation Bank of Sri Lanka (HDFC) from May 2010 till January 2015. It was gathered that Arjun Aloysius, son-in-law of Arjuna Mahendran (Governor of the CBSL from January 2015 till June 2016), was also associated with HDFC Bank during the said period and was appointed as a Director from May 2011. It was noted that Siromi Noel Wickramasinghe was sharing key managerial positions at the holding company of PTL and previous organization along with Arjun Aloysius and the details are as under...”)*

VII. Point (b) of page no 156 of the Forensic Report;

(“W A Wijewardana is a retired CBSL Official who was Deputy Governor from 7 August 2002 to 6 July 2009. In his witness statement at PCOI; where he was questioned about his views on aspects pertaining to steps to be carried out in a situation where a Governor of the CBSL finds himself in a situation where there could be conflict of interest. Also, Ajith Nivard Cabraal’s sister, Ms. Siromi, was director of the Holding Company of PTL while Ajith Nivard Cabraal was the Governor of the CBSL. In his response he stated, “if Nivard Cabraal has disclosed it to the Monetary Board and if he had refrain himself from any

dealings with PTL that would have been fine, but of course I know after my retirement from the Central Bank, Cabraal's sister was appointed chairperson of the HDFC Bank. One of the Banks that needs to be regulated by the Central Bank and will have to examine whether the correct Governance practices had been followed by him." When the Commission of Inquiry asked W A Wijewardena for his views on whether a failure by Ajith Nivard Cabraal to disclose to the Monetary Board that his sister, Ms. Siromi, was a Director of the Holding Company of PTL, would have been inappropriate. He replied in affirmative.")

VIII. Point (b) of page no 156 of the Forensic Report;

("The witness statement at PCOI of Mano Ramanathan who was appointed as a Member to the Monetary Board on 6 December 2007. She was questioned by the Presidential Commission that whether Ajith Nivard Cabraal or Arjuna Mahendran had brought to attention of the Monetary Board, the fact that a close relative was a Director of the Holding Company of Perpetual Treasuries Limited namely Ms. Siromi and Mr. Arjun Aloysius respectively. She had replied that the fact was not disclosed to the Monetary Board.")

17. The Petitioner states that according to the aforesaid forensic report during the period of 2009 to 2017,

- I. the 3rd Respondent had appointed D. Amal Cabral, first cousin of 3rd Respondent, as one member of Consultative Committee of Monetary Polices CBSL on or about 2013,
- II. the aforesaid D. Amal Cabral, first cousin of 3rd Respondent is a Director of Hatton National Bank which is regulated by CBSL,

- III. the 3rd Respondent had appointed Nihal Fonseka, first cousin of 3rd Respondent, as one member of the Monetary Board of CBSL on or about 2016,
- IV. the aforesaid Nihal Fonseka, first cousin of 3rd Respondent is a Director and/or Shareholder of Commercial Bank of Ceylon, DFCC Vardhana Bank and DFFCC Bank all of which are regulated by CBSL,
- V. the 3rd Respondent's spouse, Roshini Cabral was a director of Lanka Hospitals Corporations Ltd by which has 55% shares of Sri Lanka Insurance Corporation which are regulated by CBSL,
- VI. the 3rd Respondent's sister - Shimoi Noel Wickramasinghe was a director at Perpetual Capital Holdings Limited and this company is a primary dealer of the CBSL,
- VII. the 3rd Respondent's sister - Shimoi Noel Wickramasinghe was acting as a director of HNB Assurance (and also a shareholder), Ceylon Asset Management Company Limited and Commercial Bank of Ceylon which were all regulated by CBSL,
- VIII. the 3rd Respondent's niece, Shibhani Renuka Thambiyah was a director of DFCC bank which was regulated by CBSL,
- IX. the 3rd Respondent's brother-in-law, Ravindra Balakantha Thambaiyah was a director of DFCC bank which was regulated by CBSL,
- X. the 3rd Respondent's brother-in-law, Sunil Wijesinghe was the Chairman (and a shareholder) of National Development bank which was regulated by CBSL,

- XI. the 3rd Respondent's brother-in-law, Ranel Wijesinghe was Director of Bank of Ceylon which was regulated by CBSL,
- XII. the 3rd Respondent's son, Chatura Vishvajith Cabral was Director of Valibale Power Erathna PLC, Fortress Resorts PLC which were owned by K. D. Dhammika Perera who owned 30% shares of Pan Asia Banking Corporation and a director of Sampath Bank which were regulated by CBSL,
- XIII. the 3rd Respondent's sister-in-law, Dhara Wijethilake is a director of Sampath Bank which was regulated by CBSL,
and, shockingly, most of the aforesaid banks and financial institutes were the ones who bid the Treasury bonds issued by the CBSL when the 3rd Respondent was the head of the CBSL.

18. Petitioner further states that the some of the banking and financial institutes from where the relations of the 3rd Respondents are Directors and the shareholders of, were acted as the primary dealers of the Central Bank of Sri Lanka to this date.

A copy of the list of primary dealers published in the official website of the CBSL as at 14-09-2021 is annexed herewith marked as "A7" and pleaded part and parcel hereof.

19. The Petitioner pleads that whilst the 3rd Respondent acting as the Governor of the CBSL and when his members of the family tree acted either directors or the shareholders of the aforesaid financial institutes which were also acting as the primary dealers of equity market, Sri Lanka had incurred a loss sum of Rs. 10.4 - 10.6 Billion from year 2005 to 2015 as computed in the Forensic Audit Report - marked **A5b**.

20. According to the Section 20 of the Monetary Law, The Governor of the Central Bank is the principal representative of the bank and of the Monetary Board and such Governor should act in such capacity, in accordance with policies or rules approved or made by the Monetary Board as well as according to general law of the country.
21. The Petitioner pleads that, there are sufficient evidence within the Forensic Report to establish that 3rd Respondent, being the principle officer to the Central bank has violated policies and rules approved by the Monetary Board, as well as general law of the country.
22. Having aforesaid ample evidence against the 3rd Respondent which were available at the hands of the 1st and 2nd Respondents, the Petitioner states that neither the 2nd Respondent have directed to arrest, detain nor record any statement from the 3rd Respondent nor the 1st Respondent has taken steps to indict the 03rd Respondent – Ajith Nivad Cabral along or/parallel with Arjuna Aloysius, Arjuna Mahendran *et al.*
23. The Petitioner, as a layman, after looking at the aforesaid evidence, understands that the aforesaid materials given in the forensic report, could easily be used against the 3rd Respondent to prosecute, *inter alia*, under,
- I. section 102 of the Penal Code (“102. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.);
 - II. section 113B of the Penal Code (“113B. If two or more persons are guilty of the offence of conspiracy for the commission or abetment of any offence, each of them shall be punished in the same manner as if he had abetted such offence.”);

- III. section 386 of the Penal Code (“386. Whoever dishonestly misappropriates or converts to his own use any movable property shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”);
- IV. section 388 of the Penal Code (“388. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits " criminal breach of trust".);
- V. section 392 of the Penal Code (“392. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public officer or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”)
- VI. section 5(1) of the Public Property Act (“5(1) Any person who dishonestly misappropriates or converts to his own use any movable public property or commits the offence of criminal breach of trust of any movable public property shall be guilty of an offence and shall upon conviction be punished with imprisonment of either description for a term not less than one year but not exceeding twenty years, and

with a fine of one thousand rupees or three times the value of the property in respect of which such offence was committed, whichever amount is higher.”);

VII. point no 6.6 of Code of Conduct of Primary Dealers, reads with Order dated Extraordinary Gazette no. 1607/09 dated 24-06-2009 promulgated under section 56(A)1(a) of the Registered Stock and Securities Ordinance;

VIII. under Regulations made by Extraordinary Gazette no. 1221/28 dated 01-02-2002 promulgated under section 56(A)1(a) of the Registered Stock and Securities Ordinance;

IX. section 56(A)1(a) of the Registered Stock and Securities Ordinance (“Any person who – (a) fails to comply with any provision of this Ordinance or any regulation, order, or direction given thereunder shall be guilty of an offence under this Ordinance”)

and etc.

24. In addition to the aforesaid charges, the Petitioner states that the 3rd Respondent is single handedly alleged to have made the following damages and/or losses to the Sri Lankan Republic and its tax payers’ money, in doing following delinquencies:

I. Entering into hedging deal. According to reports, the Sri Lankan Government had reportedly lost over \$ 200 million of rupees due to this infamous agreement. The Petitioner states that the 3rd Respondent had given a statement over this transaction to the Financial Crime Investigation Division (FCID) run under 2nd Respondent, yet, the 2nd Respondent had not taken any action;

- II. Greek Bond lose which incurred, reportedly about 10-Billion of Rupees when Greece was headed for an economic ruin.

The Petitioner reserves the right to submit COPE reports over the said failed financial activities of the 3rd Respondent, if it is necessary in due course.

25. In this backdrop, the Petitioner states that failing to name the 3rd Respondent as an accused in the case bearing PTB/01/05/2019 or filing a separate action by the 1st Respondent against the former is illegal, ultra vires, *mala fide* and unfair.
26. Further, the Petitioner states that failing to take an action against the 3rd Respondent by the 1st Respondent is amounting for expressed or implied refusal to perform his duty as the Attorney General of the state who holds the august post of public prosecution against whomever swindles public money.
27. The Petitioner states that, the Petitioner learns that the 2nd Respondent has not even recorded a statement from the aforesaid members of the family tree of the 3rd Respondent over the buying of treasury bonds during 2006 to 2015 by their respective banks and financial institutes some of which were primary dealers of the CBSL.
28. The Petitioner states that, the Petitioner learns that the 2nd Respondent has not even checked the bank account details of the 3rd Respondent or his members of the family tree during 2006 to 2015 period.
29. The Petitioner states that although the 1st and 2nd Respondents are well aware of the existence of the above stated facts and evidence before them that they have failed to act upon those facts or direct 2nd Respondent to act upon those alleged violations and bring the 3rd Respondent before the law.

30. Thus, the Petitioner also states that the failing to arrest, and/or detain and/or conduct the investigation against the 3rd Respondent over the charges that have been mentioned above, is capricious, contrary to the law, *ultra vires* and arbitrary and beyond any logic.
31. The Petitioner reliably learns that amidst the aforesaid failure is marred by the inactions of the 1st and 2nd Respondents, his excellency the President of Sri Lanka is going to appoint the aforesaid errant 3rd Respondent to the post of Governor in Central Bank of Sri Lanka again who has already incurred a massive loss during his tenure from 2006 to 2015 to the Republic.
32. The Petitioner states that under the section 12 of the Monetary Law, the 5th Respondent is empowered to make recommendation to the President when the President is appointing a Governor to the Central bank.
33. The Petitioner state, when the 5th Respondent is exercising above stated duty, the 5th Respondent is bound by the Article 12 enshrined in the III chapter of the Constitution as well as guided by the Directive principles of State Policy and Fundamental Duties enshrined in the Chapter VI of the Constitution.
34. Thus, the Petitioner states that cause of action has arisen to seek from Your Lordship's Court, preventing the 5th Respondent making a recommendations to appoint the 3rd Respondent as the new appointee of the Central bank, under the Section 12 of the Monetary Law.
35. In the event this appointment permitted to take place, the Petitioner and the citizen of this country shall face to a grave and irreparable loss and damage which would again followed by an overwhelming nepotism which is self-explanatory according to the forensic report submitted to this application.

36. The Petitioner further states that, whilst the 3rd Respondent is under so much scrutiny over his own actions during his tenure at the CBSL for the time period from 2006 to 2015, in the event the 3rd Respondent being appointed as the Governor of Central Bank, the latter shall tamper the evidence against him.
37. In the event the 3rd Respondent is appointed as the Governor of the Central Bank, it will be a violation of state duty assumed by the 1st, 2nd and 5th Respondents as stated in the Article 28, namely - 28(d) to preserve and protect public property and to combat misuse and waste of public property.
38. Additionally, even if the 3rd Respondent is appointed as the Governor of CBSL, the Petitioner states that, in the backdrop of the accusations which have been levelled against the 3rd Respondent, the 3rd Respondent could not bear the post of the Governor of Central Bank as he had already acted contrary to the Code of Conduct of the CBSL, such as violating secrecy provisions, personal financial affairs, conflict of interests and non-disclosure provisions.

A copy of the aforesaid Code of Conduct of the CBSL is annexed herewith marked as "A8" and pleaded part and parcel hereof.

39. In the circumstances, the Petitioner states that a grave prejudice and irreparable loss and damage may cause to the Petitioner and the final determination of Your Lordship's Court may become nugatory if such an appointment is not stayed until the final determination of this action is determined. Thus the Petitioner states that cause of action has arisen to seek from Your Lordship's Court, in the event that the 3rd Respondent is appointed as the Governor of Central Bank of Sri Lanka, seek an Interim Order preventing the 3rd Respondent acting as the Governor of Central Bank in view of the criminal culpability of the latter and the fact that the latter

could tamper and/or doctor and/or remove the evidence against the 3rd Respondent.

40. In the circumstances, the Petitioner states that cause of action has arisen to seek from Your Lordship's Court,

- a. a mandate in the nature of a **Writ of Mandamus** to compel the 1st and 2nd Respondents to take legal action against the 3rd Respondent considering evidence available within the Forensic Audit Report;
- b. a mandate in the nature of a **Writ of Mandamus** to compel the 1st Respondent to file a separate indictment against the 3rd Respondent, under the same and/or adding further and additional charges levelled against the 3rd Respondent as mentioned in Paragraph no 22 of this petition;
- c. a mandate in the nature of a **Writ of Mandamus** to compel the 2nd Respondent to arrest, detain and record a statement from the 3rd Respondent considering evidence available within the Forensic Audit Report;
- d. a mandate in the nature of a **Writ of Certiorari** to quash the recommendations made by the 5th Respondent to appoint the 3rd Respondent as the new appointee of the Central bank under the Section 12 of the Monetary Law;
- e. in the event the 3rd Respondent is appointed as the Governor of Central Bank of Sri Lanka, a mandate in the nature of a **Writ of Prohibition** preventing 3rd Respondent acting as the Governor of Central Bank in view of the criminal culpability of the actions of the 3rd Respondent and the fact that the latter could tamper and/or doctor and/or remove the

evidence against the 3rd Respondent if he is re-appointed as the head of that government institute.

41. The Petitioner respectfully seeks the indulgence of Your Lordships' Court to reserve his right to:

- a. amend pleadings, add any person/persons as parties to this application in the event of further material revealing their complicity of the actions complained in the preceding paragraphs and
- b. tender any further evidence or affidavits and documents as necessary substantiating the averments contained above.

42. The Petitioner states that the Petitioner has not invoked the jurisdiction of Your Lordships' Court in respect of matters pleaded above.

43. An Affidavit of the Petitioner is annexed herewith in support of the averments contained herein.

Wherefore, the Petitioner pleads that Your Lordship's Court be pleased to.,

- a. issue **Notice** on the Respondents;
- b. a mandate in the nature of a **Writ of Mandamus** to compel the 1st and 2nd Respondents to take legal action against the 3rd Respondent considering evidence available within the Forensic Audit Report;

- c. a mandate in the nature of a **Writ of Mandamus** to compel the 1st Respondent to file a separate indictment against the 3rd Respondent, under the same and/or adding further and additional charges levelled against the 3rd Respondent as mentioned in Paragraph no 22 of this petition;
- d. a mandate in the nature of a **Writ of Mandamus** to compel the 2nd Respondent to arrest, detain and record a statement from the 3rd Respondent considering the evidence available within the Forensic Audit Report;
- e. a mandate in the nature of a **Writ of Certiorari** to quash the recommendations made by the 5th Respondent to appoint the 3rd Respondent as the new appointee of the Central bank, under the Section 12 of the Monetary Law;
- f. in the event the 3rd Respondent is appointed as the Governor of Central Bank of Sri Lanka, a mandate in the nature of a **Writ of Prohibition** preventing 3rd Respondent acting as the Governor of Central Bank in view of the criminal culpability of the actions of the 3rd Respondent and the fact that the latter could tamper and/or doctor and/or remove the evidence against the 3rd Respondent if he is re-appointed as the head of that same government institute;
- g. issue an interim order, in the event the 3rd Respondent is appointed as the Governor of Central Bank of Sri Lanka, preventing 3rd Respondent acting as the Governor of Central Bank in view of the criminal culpability of the actions of the 3rd Respondent and the fact that the latter could tamper and/or doctor and/or remove the evidence against the 3rd Respondent as the head of that government institute, until the final determination of this action;
- h. grant **costs**

- i. and grant **such other and further relief** Your Lordship's Court shall seem meet.

Attorney at Law for the Petitioner

Settled by:
Ashan Nanayakkara, Esq.,
Shiral Lakthilaka, Esq.,
Maithri Gunarathne, PC.