

77, 1936

IN THE PRIVY COUNCIL

Appeal No. 30 of 1936

ON APPEAL FROM THE SUPREME COURT OF CEYLON

BETWEEN

CHANDRASEKERA alias ALISANDIRI  
Appellant

- and -

THE KING ... Respondent

RECORD OF PROCEEDINGS.

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1.

IN THE PRIVY COUNCIL

Appeal No.30 of 1936

ON APPEAL FROM THE SUPREME COURT OF CEYLON.

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BETWEEN

CHANDRASEKERA alias ALISANDIRI  
Appellant

- and -

THE KING ... Respondent

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RECORD OF PROCEEDINGS.

10

Non-summary Form No.1.

No. 1. - (a)

STATEMENT OF ACCUSED.

---

In the Police  
Court of Chilaw.

No.1.- (a)  
Statement of  
Accused, 16th  
May 1934.

Name of Accused:

CHANDRASEKERA ALEXANDER PERERA OF MADAMPE.

The particulars of the offence charged are explained to the accused as follows :-

20 That you did on the 15th day of May 1934 at Galahitiyawa in Chilaw District cause the death of one Salo Meenatchi of Galahitiyawa by cutting her neck and causing her other injuries and that you have thereby committed an offence punishable under section 296 of the Ceylon Penal Code.

The accused is addressed as follows :-

In the Police Court of Chilaw.

No.1:-(a)  
Statement of Accused, 16th May 1934 - continued

"I am prepared to hear any statement which you wish to make. Anything you say will be written down and will be read at your trial. You may give the names of any persons whom you wish to be summoned to give evidence and state what each can prove."

The accused states: "I am not guilty. My witnesses are :-

1. Sinnapulle of Madampe Old Town.
2. Segu Mohamadu of Madampe Old Town - to prove that since the night of the 12th instant I was in Abubakkar's boutique in Madampe Old Town, where these two witnesses are salesmen. These witnesses also know that yesterday at 12 noon I went home for my meals and returned to the boutique at 12.30 p.m. 10

I hereby certify that the above record was taken in my presence and contains accurately the whole of the statement of the accused and that it was not practicable for me to record it in the Sinhalese language in which it was made. 20

Date 16th May 1934. Sgd. T. M. Fernando  
A.P.M.

No.1. - (b)  
Report of Government Analyst,  
21st-23rd May 1934.

No.1. - (b)  
REPORT OF GOVERNMENT ANALYST.

P 12.

No. C/263

Date 21st May, 1934

Memorandum.

From the Government Analyst, Colombo. 30  
To the Police Magistrate, Chilaw.

P. C. Chilaw Case No. 42649.

Received at the hand of P.C.No.1259, W.S.J.Fernando

3.

a parcel marked "X" said to contain the productions in the above case.

The parcel was sealed with the seal of the Minor Courts of Chilaw and Marawila, seals similar to that attached to letter No.564 of 19.5.34 from the P.M. to me; seals intact.

Sgd. Illegibly  
for Government Analyst.

In the Police  
Court of Chilaw.

No.1.- (b)  
Report of Govern-  
ment Analyst,  
21st-23rd May  
1934 - continued.

P 13

10

Report No.456

Colombo, 23rd May, 1934

P. C. Chilaw Case No. 42649.

Report on the result of the examination of the contents of a parcel marked "X" sent to me by the Police Magistrate, Chilaw with his letter No. 564 of the 19th May 1934. The parcel was sealed; seals in order.

20

The parcel contained one production P<sup>1</sup> a katty labelled "P.C. Chilaw 42649 one katty with blood stains P<sup>1</sup>."

Blood was identified.

Note. Blood above must be taken to mean merely blood and not necessarily human or even mammalian blood. There are no facilities here at present for the examination for human blood.

Sgd. J.V. Collins

Deputy Govt. Analyst.

30

The Police Magistrate,  
Chilaw.

(Production returned by Regd. post)

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In the Police  
Court of Chilaw.

No. 1. - (c)

EVIDENCE OF P.C. W.S.J. FERNANDO.

No.1.-(c)  
Evidence of P.C.  
W.S.J.Fernando,  
14th June 1934.

W. S. J. FERNANDO, sworn, P.C., 1259, Chilaw.

On the 19th May last the productions P1 and P2 were packed and sealed in my presence, and in the presence of the last witness and handed to me with the seals intact, to be taken to the Government Analyst's office and the finger print bureau respectively. I took them on the 21st May and handed them to the respective offices with the seals intact. I received a receipt from the Government Analyst which produce marked P12.

10

XXd. Nil.

Sgd. HERBERT S. ROBERTS  
P.M. 14.6.34.

In the Supreme  
Court of Ceylon.

No. 2. - (a)

INDICTMENT.

No.2.-(a)  
Indictment, 16th  
July 1934.

P. C. Chilaw Case

No. 42649

(Criminal Jurisdiction)

20

Western Circuit. District of Chilaw Session, 1934	( At a Session of the said Supreme { Court in its Criminal Jurisdic- { tion for the Western Circuit, to { be holden at Colombo in the year { of our Lord One thousand Nine hundred and thirty-four
--	---

THE KING

Versus

ALEXANDER PERERA CHANDRASEKERA alias ALISANDIRI  
you are indicted at the instance of the Honourable

30



Sir Edward St. John Jackson, K.C. His Majesty's Attorney-General, and the charge against you is

In the Supreme Court of Ceylon.

(1) That on or about 15th May, 1934, at Galahitiyawa, in the district of Chilaw, you did commit murder by causing the death of one Salami Nadatchi, and that you have thereby committed an offence punishable under section 296 of the Ceylon Penal Code.

No.2. - (a)  
Indictment, 16th July 1934 - continued.

The 16th day of July 1934.

Sgd. R. ST. P. DERANIYAGALA  
Crown Counsel.

10

No. 3.

No. 3

PROCEEDINGS AT THE TRIAL 29th APRIL 1935.

Proceedings at the trial, 29th April 1935.

S.C.No.49.

P.C. Chilaw No.42649.

R E X

Vs.

ALEXANDER PERERA CHANDRASEKERA Alias ALISANDRI.

Date of Trial. 29th April 1935.

20 Charge: Murder - Section 296 of the Ceylon Penal Code.

Plea: Not guilty.

Jayawickrema, Crown Counsel, for the prosecution.

D.S. Senanayake for the Accused

English speaking Jury empanelled, Sworn or Affirmed.

The Counsel for the prisoner wishes to raise

In the Supreme  
Court of Ceylon.

No. 3.  
Proceedings at  
the trial,  
29th April 1935 -  
continued.

the question as to the admissibility of certain evidence. The court requests the jury to retire.

Mr. Senanayake objects to certain signs made by the deceased woman in answer to questions put to her being admitted as a dying declaration under Section 32 in as much as they cannot be said to amount to a statement written or verbal in terms of that Section. (2) Even if the evidence as to the signs made by the deceased are held admissible, the interpretation put upon these signs by the witnesses is inadmissible - cites 7 Allahabad 385.

10

I rule on the authority of the case cited to me that evidence as to the signs made in answer to questions put to the deceased is admissible, but that the statements of witnesses as to what interpretation they put upon the signs is not admissible.

It is for the jury to decide what inference they will draw from the questions put and the signs made in response, if they will draw any inference at all.

20

Prosecution  
Evidence.

No. 4.  
Dr.H.C.V.de Silva.  
Examination.

No. 4.

DR. H.C.V. de SILVA. EXAMINATION.

CROWN COUNSEL opens case and calls:

DR. H.C.V. de SILVA - District Medical Officer,  
Chilaw - Sworn.

The deceased woman was admitted to hospital at 6.30 p.m. on the 16th of May last. She had the following injuries on my examination.

30

1. A jagged incised wound extending from the left side across the front to the right side of the neck to about  $\frac{1}{2}$  an inch from the middle line. The wound was 4 inches long externally and had severed the muscles on the sides of the neck and

the entire larynx of the sound box and two rings of the trachea, exposing the base of the tongue and the mouth cavity.

2. An incised wound 1 inch long cutting the entire thickness of the right wing of the nose.

3. An incised wound 1 inch long cutting the entire thickness of the right lower eyelid.

4. An incised wound  $\frac{1}{2}$  an inch long scalp deep on the right side of the forehead.

10 5. Two stab wounds severing the ears.

All the injuries have been caused by a sharp cutting instrument.

Injury No. 1 was grievous and endangered life. Her condition gradually grew worse. (To Court - She was conscious when she was admitted to the hospital, but unable to make a statement on account of the injuries. I held a post mortem examination on the body and it was identified by A.M.Nadar and L. Martin Perera. The body was that of a well nourished subject of about 42 years of age. The tips of the fingers, the lips and the tongue were slightly bluish in colour. On external examination I found the bases and the posterior portions of both lungs were acutely congested. I am of opinion that death was due to asphyxia. As a result of injury No.1 she could not utter any sound at all. Injury No.1 could have been caused by this katty (P1). The other injuries could not have been caused by this katty. (To Court - Other injuries could have been caused by a very sharp edged instrument). After the infliction of these injuries the deceased could have walked a distance of about 100 yards. After the infliction of these injuries the deceased could have made signs to be understood as she was conscious. She could have made signs even after admission to hospital; but she did not. I produce my post mortem report marked (P17).

40 CROSS-EXAMINATION. Besides injury No.1 the other injuries could not have been caused by this katty (P1). The other injuries could have been caused by a sharp edged knife. Judging from the nature

In the Supreme Court of Ceylon.

Prosecution Evidence.

No. 4.

Dr.H.C.V.de Silva.  
Examination - continued.

Cross-Examination.

In the Supreme Court of Ceylon.

of the injury on the neck (No.1) the deceased could have nodded her head very slightly.

Prosecution Evidence.

No. 4.

Dr.H.C.V.de Silva, Cross-examination.

I examined this accused with his consent at the hospital at 8 p.m. on the same day. He had no injuries. There were no blood stains on his clothes. There was no smell of liquor. At the time of my examination he had a clean banian and a clean cloth. The deceased was in the hospital when I examined the accused. She was in the ward. I could have taken the accused to the deceased at that time; but she was very bad. In fact the Magistrate had done so.

10

Re-examination.

RE-EXAMINATION. No questions.

(This Witness was recalled see No.31 page 38).

No. 5.

No. 5.

M. A. Fernando. Examination.

M. A. FERNANDO. EXAMINATION.

M. A. FERNANDO sworn

I am the Chief Clerk of the Police Court of Chilaw. These productions - katty (P1), trunk (P2) were packed and sealed in my presence and handed to the Police Constable. Katty (P1) was sent to the Government Analyst and the trunk (P2) to the Registrar of Finger Prints. I produce P12 - 13 reports from the Government Analyst. I also produce P14 a letter from the Registrar of Finger Prints requesting to send the palm impression of the accused. P15 is the letter received by me from him to the effect that the impression do not tally with the impression on the trunk. I also produce a Police Court record No. 38750 in which this accused was charged on the 2nd of February 1933 for causing hurt to constable Weerasinghe. That offence was alleged to have been committed on the 1st of February 1933.

20

30

Cross-examination.

CROSS-EXAMINATION. The impression on the trunk did not tally with the palm impression.

Re-examination.

RE-EXAMINATION. No questions.

No. 6.

## LIYANAGE MARTIN PERERA. EXAMINATION.

In the Supreme  
Court of Ceylon.Prosecution  
Evidence.

No. 6.

Liyanaige Martin  
Perera.  
Examination.

LIYANAGE MARTIN PERERA - Sworn.

10 I am 40 years of age, a carter, living at Madampe. I have known this accused over a year or two, prior to this incident. During these two years he worked under Mr. Stanley Jayewardene. I remember the day of the offence. On the day in question I met this accused near the Talgahawatte estate gate. He was going in the direction of Galahetiyawa on a bicycle at the time. He was wearing a red checked sarong and had a handkerchief round his neck. (To Court. He had no banian or coat. I live quite close to the deceased's house. I met this accused riding this bicycle at about 12 or 12.30 p.m. near the Talgahawatte estate gate. I came to know about the deceased's death at about 4 or 4.30 p.m. I went there on hearing the information. I noticed a crowd at Collin de Silva's bungalow, which is in the adjoining garden of the deceased's. I saw the constables there. Stanley Jayewardene came there after I went to the scene of the offence; soon after I went there. The Inspector came there after I went. Russel Corea was there. I saw the deceased in the verandah of Mr. Silva's house lying fallen on the steps, bleeding profusely from her neck. Constable Hassim questioned the woman as to who cut her neck. (To Court - He questioned her in Tamil "Onde kaluthuwettanathu Aru" - Who cut your neck?) In response to this question the deceased made signs to indicate height which the constable did not understand. Thereafter I questioned the deceased in Sinhalese "who cut you?" (To Court - I have spoken to this woman previously and she spoke in Sinhalese). In response to my question too she made a certain gesture. It was, just then that Mr. Stanley Jayewardene arrived at the scene. (To Court - He came up to the woman). Then the deceased pointed to Mr. Jayawardena and made a sign to me. By that sign I inferred that deceased must be referring to a servant of Mr. Jayawardena. After that I mentioned the name of Alisandiri - accused's name - to her to which she nodded her head. When constable Weerasinghe came within her view she pointed at him and slapped her own cheek about

In the Supreme  
Court of Ceylon

Prosecution  
Evidence.

No. 6.

Liyanage Martin  
Perera.

Examination -  
continued

2 or 3 times. Then I asked her whether she was referring to Alisandiri who assaulted the constable to which she nodded her head again. The Inspector Mr. Jayawardena and the constables were present when these signs were made. I had known the deceased for some time. She was baptized as a Roman Catholic and my wife was the god mother. She was in the habit of visiting our house about once a day. She stayed in her house alone. (To Court - At the time of her baptism she was living alone. Her nearest neighbour is Paiaiyah. Paiaiyah was alive at the time of the offence but now he is dead. He died after this offence. The deceased's next nearest neighbour is Mr. Collin de Silva. Paiaiyah lived with his family. He was about 65 years of age. There were some displeasure between the deceased's family and Paiaiah's over a theft of fowls. That theft was about 7 or 8 months prior to this offence. One has not to pass Paiaiah's house coming from deceased's house to Collin de Silva's house. Both accused and myself were employed under Jayawardena. I left Mr. Jayawardena about 2 years ago. The accused left him after I left. While we were under Jayawardena the accused was in the habit of visiting my house. The deceased knew that the accused's name was Alisandiri. She had heard me calling him by his name.

10

20

Cross-  
Examination.

CROSS-EXAMINATION. I did not understand the signs made by the deceased in response to the question put by the constable. At first, I did not understand the sign made in response to my question. It was only when she pointed at Mr. Jayawardena that I understood the same. The deceased speaks Sinhalese. It was after I mentioned her the name of Alisandiri - accused's name - that she pointed at the constable and slapped herself. In the Police Court I stated that the accused's body was bare when I met him at Silva Town. If a man had a handkerchief round his neck I would not say that his body was covered. (To Court - The petrol station is in Silva Town. It was when I was going in the direction of Silva town from Galahitiyawa that I met this accused. I met him about  $\frac{1}{4}$  mile from the deceased's house. It is not necessary to take the route through Galahatiyawa to go to the deceased's house. There is a shorter route than that. I heard that the deceased was cut

30

40

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No. 6

Liyanage Martin  
Perera. Cross-  
examination -  
continued.

from some people near Collin Silva's house. I  
returned from Silva Town at about 1 or 1.30 p.m.  
after buying provisions. On my way back from  
Silva Town I had to pass the deceased's house; I  
did not see the accused. The deceased's house  
is in a garden about 500 fathoms away from the  
road; therefore it was not possible for me to  
have seen the house. I am on good terms with  
this accused. He did not slap me at any time.  
10 At Madampe the accused was the only workman under  
Mr. Jayawardena. At the time of the offence he  
was not in the employ of Mr. Jayawardena. I ask-  
ed the deceased whether there was any other to  
which she shook her head. I was not questioned  
in the Police Court that was the reason why I did  
not say anything about this above question. (To  
Court - I know Abdul Cader Mohideen and his bouti-  
que. From this boutique one has two routes to  
take to go to the deceased's house. The old town  
20 route is closer to the deceased's house. I told  
the Inspector that I saw the accused riding a  
bicycle near the gate of Talgahawatte estate. My  
statement was recorded by the Inspector.

RE-EXAMINATION. I pointed out the spot I met  
this accused, to the Inspector as well as to the  
surveyor. I identified the body of the deceased  
at the post mortem examination.

Re-examination.

TO THE JURY:- At the time I met this accused I  
did not know whether he was employed or not. When  
30 accused and myself were employed under Mr. Jaya-  
wardena there were no other workmen at Madampe;  
he had other workmen on other estates. I sug-  
gested this accused's name to the deceased  
because he was the only workman in Madampe under  
Mr. Jayawardena, and moreover he was known to the  
deceased. I think Paiaiah's house is closer to  
the deceased than Collin Silva's house, but they  
appear to me as of equal lengths. There is a  
wire fence between the deceased's garden and Collin  
40 Silva's house. One of the strands is lowered to  
take cattle. There is a neglected fence between  
Paiaiah's and the deceased's gardens and one can  
easily cross over that fence.

In the Supreme  
Court of Ceylon.

No. 7.

JAYESINGHE PEDIGE DAVITH. EXAMINATION.

Prosecution  
Evidence

No. 7

Jayesinghe Pedige  
Davith.  
Examination.

JAYESINGHE PEDIGE DAVITH - Affirmed.

I am 18 years of age, a labourer in the Talgahawatte estate. At the time of the incident I was employed under the Superintendent of the Talgahawatte estate. I remember the day of the incident. On that day I was returning from that estate to my father's house at about 12.30 or 1 p.m. I was going in the direction of Chilaw, walking. From this Colombo - Chilaw road there is another road to Mr. Collin Silva's house, while I was walking this accused overtook me and took the turn to Mr. Collin Silva's house. 10

(To Court - I did not go to the place of incident that day. I first made my statement to the sergeant after 3 days of the incident. I told the sergeant that the accused was wearing a red checked sarong and that he had a handkerchief round his neck. I cannot remember to have seen him wearing a banian at that time. I have seen this accused before. I have no doubt as to the identity of this accused. 20

Cross-  
Examination.

CROSS-EXAMINATION. I cannot be definite; what I think is that he had a handkerchief round his shoulders. I met this accused at about 12 or 12.30 p.m. I had seen him about 4 or 5 times prior to this incident. He was employed under Mr. Stanley Jayawardena. When he overtook me I noticed his face very well. He was riding a bicycle. He rang the bell for which I moved to a side. (To Court - I have no ill-feelings against this accused. The sergeant used to come to the Talgahawatte estate to trap over-loaded buses. I do not know what brought him to the estate that day when I told him about my seeing this accused. The sergeant had a young coconut and after finishing it he asked me whether I knew anything in connection with this case. It was then that I told him that I met the accused on the road on the day of the incident. I came to know that this accused was taken into custody that very day. It was on that day (day of the incident) I too knew that he was taken to custody. When I made my statement 30 40



to the sergeant he took me to Collin Silva's house and there the Inspector recorded my statement. The Inspector was there making inquiries into this case at Collin Silva's house. When I came to know that this accused was taken into custody I had not mentioned the fact that I saw the accused riding a bicycle earlier on the day in question, to anybody. On the following day of the incident when I went to the estate the superintendent told me about this incident. Even then I did not tell him that I met this accused on my way home on the previous afternoon. I did not tell him or anybody through fear thinking that I might be drawn in as a witness in this case. I told the sergeant because he questioned me.)

10

To the Jury - When I met this accused he had nothing in his hand.

RE-EXAMINATION - In majority of the houses in the village there are katties.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No. 7.

Jayasinghe Pedige Davith. Cross-examination - continued.

20

No. 8.

S.M.N. SANDANAM NADAR. EXAMINATION.

No. 8.

S.M.N. Sandanam Examination

S.M.N. SANDANAM NADAR - Affirmed.

30

I am 21 years of age, a coconut picker, living at Galahetiyawa. I was employed under Mr. Collin de Silva at the time of the offence. Adian Nadar is my kangani. The deceased woman lived in the adjoining garden of Mr. Collin Silva's land. I remember the day of the incident and I came to know about it at 5 p.m. At about 1 p.m. that day the accused came to the Wadiya a  $\frac{1}{4}$  mile away from Collin Silva's house and inquired for the Kangani. The accused spoke to me in Sinhalese to which I replied in Tamil and said that I did not know where he had gone. The accused left the wadiya (hut). Thereafter I took a vessel and went to fetch water to the well. I saw the accused going in the direction of the deceased's house crossing the wire fence. My wadiya is not quite close to the well. (To Court - I saw the accused enter the house of the deceased. The deceased's house is not within

40

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No. 8

S.M.N.Sandanam  
Nadar.

Examination -  
continued.

sight or hearing from my wadiya. Thereafter at about 4.30 p.m. I went towards the road and on my way I noticed the police in Collin Silva's house and the deceased lying in the verandah. The Inspector was there then. I went to the verandah and the police were making inquiries. The Police were generally making inquiries. I volunteered the information to the Inspector. I told him what I had seen earlier on the day

Adjourned for lunch.

10

On that day I did not know that the accused's name was Alisandiri. I merely gave the description of the man to the Police. I told the police that accused inquired for the Kangani and then went in the direction of the deceased's house. The description I gave the police was - a dark man, hair cropped, wearing a checked cloth. When he came to the wadiya he came walking. The day after the incident I was taken to the hospital and in an identification parade I was asked to point out the man who inquired for the kangani. In between the identification parade and the inquiring for the kangani I did not see him. (To Court - I had no doubt as to the identity of the man

20

Cross-  
Examination.

CROSS-EXAMINATION. I went to that estate about 2 or 3 months prior to this incident. I had never seen the accused before. When the accused entered the deceased's house I was near the well. The well is between the deceased's house and the wadiya. The house of the deceased situate in an open place. I saw the accused going in the direction of the house but I did not see him enter the house. After I fetched the water I returned to the wadiya. I was in the wadiya the whole day because I had no work. No one came to the wadiya besides this accused that day. The kangani arrived when the injured woman was put into the car. I had no reasons to suspect the accused before the identification parade and his name was not mentioned to me at all. The kangani and I never spoke to each other that night in question as we were sorrow stricken. (To Court - After the identity of the man some people referred to him as Alisandiri. If reference was made earlier to this man as Alisandiri I would not have known that it was this accused. I stated in the Police Court that I told the Kangani that a man came in search of him. When I went to the verandah I did not see a bicycle.

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Re-examination.

RE-EXAMINATION. Nil.

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TO THE JURY: The watcher and his wife were in occupation of Mr. Collin Silva's house. I have never seen labourers carry katties with them. (To Court - The kangani lives in the same wadiya. The kangani left the wadiya on the day in question at 6.30 a.m. I do not know where he had gone. The deceased is related to the kangani as an aunt. The deceased was the only occupant in her house. My wadiya is some considerable distance away from the deceased's house. There is a well other than the well near the deceased's house but for drinking purposes we use the well near the deceased's house. I habitually take water from that well.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No. 8

S.M.N.Sandanam  
Nadar.

Examination -  
continued.

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No. 9.

P. KITAN NADAR. EXAMINATION.

No. 9

P.Kitan Nadar.  
Examination.

P. KITAN NADAR - Affirmed - 45 years of age. I am a kangani, living at Galahetiyawa. I live near about the deceased's house. In the garden of the deceased there is a well which we use for drinking purposes. I remember the day the deceased was killed. On that day I went to that well to fetch water at about 1.30 or 2 p.m. Then I saw the deceased and Alisandiri engaged in a conversation. Alisandiri is this accused. Prior to this I had known him - about 2 or 3 years prior to this incident. I knew him because he used to come to Galahetiyawatte and cart picked nuts. At the time he was engaged in the conversation he was wearing a red sarong and had a shawl round his shoulder. I did not pay any special attention to their conversation, but took the water and left in the house and then went to the place where the coconuts are being plucked. Thereafter I returned home at about 7 or 8 p.m. When I came back home I learned that the woman was cut and being removed to the hospital. 2 days later on my way to the boutique the Inspector stopped his car and questioned me about it. Then I stated to him what I stated here. (To Court - When I learned that the woman was cut I did not know then that the accused was the culprit. Even on the next day after the incident I was ignorant as to who was the culprit. When the Inspector questioned me I knew that this accused was taken into custody in connection with

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In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No. 9

P.Kitan Nadar.  
Examination -  
continued.

this case. I came to know that this accused was taken into custody on that very day of the incident. I did not tell anybody that I saw this accused having a conversation with this woman. When I heard about this woman's death that day then I suspected this accused, as I had seen him speaking to her. If the Inspector had not questioned me in connection with it I would not have mentioned it to anybody what I had seen. I did not tell anybody because I thought why waste time in giving information, when a man has a job to do.

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Cross-  
examination.

CROSS-EXAMINATION - I did not see the bicycle in the verandah. After fetching the water I left the premises of the deceased immediately. (To Court - I have often spoken to this accused. He was employed under Mr. Stanley Jayawardena as a carter. Martin Perera too was employed under him as a watcher. When the deceased and the accused were engaged in their conversation I was at a distance of about 10 feet from them. I have never seen the accused speaking to the deceased before.

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Re-examination.

RE-EXAMINATION - Nil.

TO THE JURY - My wife and children gave the information about this murder when I returned home. Mr. Stanley Jayawardena had a labour force in different estates. As a matter of fact this accused was employed under him as a carter in the house.

No.10.

Rengam Arumugam.  
Examination.

No. 10.

RENGAM ARUMUGAM. EXAMINATION.

RENGAM ARUMUGAN - Sworn.

I am 29 years of age, a watcher, living at Galahetiyawa. I am a watcher in Collin Silva's estate. I remember the day of the incident. On that day I was cutting trenches in the estate. The inmates of my house are my wife and myself. I came to this estate about 9 months prior to this incident. All these 9 months the deceased lived alone in her house in which she lived on the day in question. The deceased used to come to our

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house now and then. After cutting the trenches I returned home at about 2 p.m. Having returned home I took some cattle to be tethered in the garden. On my way with the cattle the deceased spoke to me and said that a man came in search of the kangani and requested me to inform the kangani accordingly if I were to meet him. Then I went to the wadiya in search of the kangani, but he was not there. After that I heard a cry, which was from my wife. My wife was pregnant then. I ran in the direction of the cries. Then my wife informed me that a woman was lying in the verandah, bleeding profusely. I could not recognise the woman as her face was covered with blood. I spoke to her but she was unable to speak. I asked her what happened to which she responded with a sign - shows - to indicate that her neck was cut by somebody and ran away. I recognised the woman by her dress. Thereafter I went towards the Walauwa of Mr. Rowland. I then encountered Mr. Russel Corea to whom I gave the information to the effect that a woman was lying in my verandah with her neck cut. Eventually Mr. Corea went to the Police Station and informed them. Before Mr. Corea proceeded to the Police station he gave me his rain coat to be kept in the bungalow. On my way to the bungalow I met the headman to whom I informed accordingly. When I returned to the spot the Police had come and they were making inquiries. I was present when the deceased made certain gestures in response to certain questions put to her. I worked under Collin Silva for 9 years on different estates. I came to know this deceased only when I came to this present estate. I have never seen this accused before. I saw him for the first time in the Police Court.

CROSS-EXAMINATION - When I went to the wadiya in search of the kangani no one was there. Sandanam was not there. The Police questioned the deceased as to who cut her and what happened. She then beckoned to Martin Perera and then pointed to Mr. Jayawardena and made a sign - shows the sign - to indicate as if somebody was goading a bull. When those signs were made Martin Perera asked her and mentioned the name of this accused to which she nodded her head. Then, again she pointed to a constable - Weerasinghe - and patted her cheek with her palm - shows the signs. I did not see the bicycle near about the place nor did I see the accused that day.

RE-EXAMINATION - Nil.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.10.

Rengam Arumugam.  
Examination -  
continued.

Cross-  
examination.

Re-examination.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.10.

Rengram Arumugam,  
Examination -  
continued.

TO THE JURY - When I first saw woman in the verandah I questioned her but she did not respond to me and no gestures were made. My house is about 20 fathoms away from the deceased's house, and no noise or cry could be heard.

No.11.

Ana M. Nadar.  
Examination.

No. 11.

ANA M. NADAR. EXAMINATION.

ANA M. NADAR. Sworn.

I am 36 years of age, a contractor, living at Galahetiyawa. I work for Mr. Collin Silva and others. I do coconut picking contracts. The deceased is my aunt. She lives about  $\frac{1}{2}$  mile away from my house. At the time of the offence she was a widow. Her husband died about 3 years prior to this incident. She had a son and a daughter. At this time they were living in India. Thereafter she lived in her house alone. She practises a little medicine; and she was well off - that is, she had cash and some jewellery. She was in the habit of wearing Indian ear rings. I used to go to her house. I send a man every day to her house to sleep there as she was alone. Sometimes I myself go there to sleep. On the day in question I went to the deceased's house at about 8.30 a.m. and had a cup of coffee and then left to Maharawilla. From Maharawilla I returned back about 5 p.m. When I returned to the spot I saw the woman in Mr. Silva's bungalow and the Police there. I did not notice Sandanam Nadar. He may have been there, but I was concerned with the woman. I accompanied the woman to the hospital. After my return from the hospital I did not speak to Sandanam Nadar that day. I spoke to him after the inquest by the Magistrate, that is, on the following day. 2 or 3 days after the incident Sandanam mentioned me that a man came in search of me and that he was unable to say who that man was. He told me that that man came on the day of the incident in search of me. I had never seen this accused up to the time of this case. He had no reason to inquire for me. This trunk belongs to the deceased shows -.

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CROSS-EXAMINATION - At this distance of time I cannot remember whether Sandanam spoke to me or not on the night in question, or on a subsequent date about this incident. If I had stated in the Police Court that Sandanam spoke to me on the night in question it must be correct. I deny that I kept this deceased woman - my aunt - as my mistress. It was on my way to the wadiya that I saw the Police at Mr. Silva's house. No body informed me. (To  
 10 Court - When the Police questioned the deceased I was not present. When I saw the deceased woman injured I did not suspect this accused because I had known this accused. I first came to know that it was this accused who was responsible for the injuries from the people at the hospital. After my return from Marawilla preparations were made to remove the deceased in a car and a mat was wanted to spread over the cushions of the car. I went in  
 20 search of a mat. Thereafter I do not know what happened. There is a well in Mr. Silva's land but we take our water for drinking purposes from the well in the deceased's land. Collin Silva's house is about 50 yards from the deceased's house. I have never seen Sandanam taking water from the deceased's well. Sandanam lives in the Wadiya and he picks coconuts. He used to return home at about 10 a.m. after picking nuts. It is about 6 miles from my house to Marawilla. The ornaments worn by the deceased were of gold. Her jewellery were  
 30 missing after this incident.

RE-EXAMINATION - Nil.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No.11.

Ana M. Nadar.  
 Cross-examination.

No.12.

WARNACULASURIYA THOMAS FERNANDO. EXAMINATION.

No.12.  
 Warnaculasuriya  
 Thomas Fernando.  
 Examination.

WARNACULASURIYA THOMAS FERNANDO. Sworn.

I am 45 years of age, a Kangani, living at Bambala. At the time of the offence I was employed at the toddy tavern. I possess a bicycle. On the day of incident I was riding along the Chilaw Colombo road. I was going in the direction of Chilaw.  
 40 I know the Galahetiyawa junction. I came up to the junction at about 3 p.m. I know the turn to

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.12.

Warnaculasuriya  
Thomas Fernando.  
Examination -  
continued.

Mr. Collin Silva's house from the Chilaw-Colombo road. Near about this turn I had to dismount to adjust my cycle chain. I pointed the spot I dismounted to the Police. While was engaged in adjusting the chain I saw the accused coming from the direction of Mr. Collin Silva's bungalow, along that turn. (To Court - He was riding a bicycle. From that turn he got on to the main road and went in the direction of Colombo and turned towards the station. He was wearing a red sarong and had no banian. I noticed that a white rag was wrapped round the handle. I cannot say whether it was a parcel or a piece of cloth wrapped round. I came to know about this woman's incident at about 5 p.m. in the same evening. On the same day of the incident I came to know that this accused was implicated in it - 5 p.m. I made my statement to the Police on that very day at about 6 p.m. On my way to Chilaw on my bicycle I saw the Inspector in the hospital and I volunteered the information to him. I gave evidence on the 17th of May. I know both accused and his father. His father's name is Simmappu.

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Cross-  
examination.

CROSS-EXAMINATION - When the accused came towards Chilaw-Colombo road from the turn to Silva's house I was engaged in adjusting the chain. When I saw him coming I raised my head and looked at him. I did not notice the accused carrying a bundle at the time I saw him. I know this accused for the last 20 years or so. My native place is Madampe. The accused and their family are of the same village. I have no ill-feeling against this accused or his father. I had no dealing with them nor we were neighbours.

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TO THE JURY - Although I know the accused very well I did not speak to him or asked for his assistance to adjust the chain when I saw him. I placed my bicycle against a tree and adjusted the chain.

Re-examination.

RE-EXAMINATION. Nil.

Adjourned - 4 p.m.

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No.13.

JULIHAMY. EXAMINATION.

In the Supreme  
Court of Ceylon.Prosecution  
Evidence.No.13.  
Julihamy.  
Examination.Resumed - 30th April 1935.

JULIHAMY - Sworn.

10 I am 40 years, living at Irattakulama. My house is on the Puttalam road. I know the petrol shed. I know the deceased. I remember the day of incident. At noon when I was returning from the boutique I saw the accused riding a bicycle. He was wearing a red checked sarong and he also had a handkerchief round his neck. He was going on the road that leads to the Police Station. I have seen him before. (To Court - I do not know his name). I made my statement to the Police in which I referred to the accused as Simmappu Aiyah's son. I noticed blood on the lower portion of his sarong. I came to know that this woman's neck was cut on the very day from my sister-in-law.

20 CROSS-EXAMINATION - When I saw the accused he was riding very fast. He came from the opposite direction. His sarong was red in colour. I noticed the blood on it which appeared to me like that of human blood. I told the Police what I had seen. The Police never knew about my seeing the accused before I told them. I did not suspect the accused when I was informed about the incident.

Cross-  
Examination.

RE-EXAMINED - Nil.

Re-examination.

TO THE JURY - I did not see any parcel attached to the accused's bicycle. I inferred the blood on the accused's sarong was human blood after my sister-in-law told me that the woman was injured.

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In the Supreme  
Court of Ceylon.

No. 14.

BALASURIYA L. CHARLES. EXAMINATION.

Prosecution  
Evidence.

No.14.

Balasuriya L.  
Charles.  
Examination.

BALASURIYA L. CHARLES - Affirmed.

I am 36 years of age, a trader as well as a cultivator, living at Madampe. I remember the day of the incident. On the day in question at about 4 p.m. I was on my way home after having bought provisions from the boutique near the railway station. I took the turn near the railway gate to get home, then I noticed this accused overtaking me, riding along the railway line, on his bicycle. I took the Gansabawa road. He proceeded as far as the culvert and placed his bicycle against it and crept through the wire fence and got within the garden. There is a thicket in that garden. He went to the thicket and squatted down and then stood up, peeped and squatted down. He did this several times. My suspicions were roused. I then questioned him as to why he was acting in that fashion. Then he told me that he was looking for his bicycle, so that no one might remove it. I was near the culvert when I questioned him. Thereafter I called my child and handed the provisions and sat on the culvert. As I was seated there the accused came out of the garden and removed his bicycle and got on to the other side of the railway line. Thereafter I did not see him nor do I know what happened after that. He was wearing a red coloured sarong cloth. He had no banian. There was a parcel about 18 inches long attached to the rear mud-guard. There was something in his hand. I went to the road 2 hours later and there I received information to the effect that the deceased's neck was cut by Alisandiri and run away. Then at about 10.30 p.m. a police constable questioned me. I went to the thicket where the accused had been to. We searched the thicket and there was nothing to indicate that he had gone to answer a call of nature except the fact that the thicket was disturbed. I did not notice any peculiarity in the bicycle.

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CROSS - EXAMINATION - I could tell the time by the passing and repassing of trains. I gave the time as 4 p.m. because there was a train due about that time. The place where the accused got down to get to the thicket from the railway lines is about 12 feet higher than the Gansabawa road. On the other side of the railway lines, near about the thicket there are other thickets. I suspected the accused because he appeared to be excited and owing to the manner he behaved in the thicket. I remember seeing a parcel attached to the bicycle. Besides that parcel he had another in his hand. He took this parcel to the thicket. I know the Old Town and Mohideen boutique. From Galahetiyawa junction there is a shorter cut through the tennis court to get to the Old Town and to Mohideen's boutique. This short cut is frequented by people. The Police Station is not within sight from the thicket, but it is opposite the thicket. I stated in the Police Court that I could not identify the bicycle. I was sent for to the Police Station and there I was showed the bicycle. I informed the constable at 10 p.m. on the day in question after the information the constable and myself proceeded to the thicket. We searched it with chulu lights and torch lights.

TO THE JURY - I did not notice any blood stains on his sarong, when he came back from the thicket. He took the parcel to the thicket and brought it back. The other parcel was tied to the luggage carrier. I did not follow the accused because I had to go to the station for the train. I am a substitute in the station.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.14.

Balasuriya L.  
Charles. Cross  
Examination.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.14.

Balasuriya L.  
Charles. Re-  
Examination.

RE-EXAMINATION - His conduct was something unusual. (To Court - I knew this accused from his youth and his father too for some time. I know their house. He lives with his parents and lives elsewhere too. From Mohideen's boutique to the accused's house it is about 1 mile. From the accused's father's house, if one were to take the route through the tennis court it would be about  $1\frac{1}{2}$  miles and if one takes the route that leads to the Police Station it would be about 2 miles. From my house to the accused's house is about one mile. I met this accused only once in a while but his father often. I had no ill-feeling against him or his father. I had no dealings with them. I did not give evidence against him in any case. I got implicated for stealing coconuts from a lawyer's estate and I was convicted. It was to constable Jayawardena that I made my first statement. Constable Jayawardena came to police station about 5 or 6 months prior to this incident. Prior to my informing the constable I told Paublis and Salmon what I had seen. Constable Jayawardena told me that Paublis and Solomon informed him. My statement was recorded at the Police Station and it was after that I went to the thicket. The Inspector along with constable Jayawardena went to the thicket. The Inspector and Jayawardena did not search the other side of the railway line.

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No.15.  
K. CHARLES FERNANDO. EXAMINATION.

In the Supreme  
Court of Ceylon.

K. CHARLES FERNANDO. - Sworn.

Prosecution  
Evidence.

No.15.

K. Charles  
Fernando.  
Examination.

10 I am 42 years of age, a contractor and a coconut husker, living at Malavagara. I know this accused from a long time. He was living with his parents at the time of the offence. Their home is about  $\frac{1}{2}$  mile away from my house. I remember the day and the time of the incident. On the day in question I saw this accused bathing in a stream near the culvert at about 4 or 4.30 p.m. I pointed the spot to the Police. The bathing place was  $\frac{1}{2}$  mile more or less from Mohideen's boutique. His bicycle was placed against the plank stool which was near the stream. I had seen the accused riding a bicycle occasionally. That bicycle which was placed against the plank stool was rather an old one. I did not see any parcel attached to the bicycle.

20 CROSS-EXAMINATION - I know the railway gate in Silva Town. The stream is about  $\frac{1}{4}$  mile along the railway lines. I told the Inspector when he was making inquiries on the road near the deceased's house. The Inspector asked me whether I saw Alisandiri. He was making inquiries generally to ascertain the whereabouts of the accused. He recorded my statement at the spot. (To Court - I knew this accused about 10 or 12 years ago. I was on speaking terms with this accused. There was no ill-feeling between us.

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Cross-  
Examination.

RE-EXAMINATION. Nil.

Re-examination.

No.16.  
A.C.M.K. MOHAMADU MOHIDEEN. EXAMINATION.

A.C.M.K. MOHAMADU MOHIDEEN - Affirmed.

No.16.  
A.C.M.K. Mohamadu  
Mohideen.  
Examination.

40 I am a trader. I am a brother of Abdul Cader Mohamadu. This accused was not employed in our boutique. Both my brother and myself run this boutique in partnership. This accused was employed in an estate, for about 1 month. Thereafter we discharged him. (To Court - We discharged his services about 4 or 5 days prior to this incident. After his discontinuance we did not employ him in any capacity. He came to our boutique once or twice after his discontinuance for his salary. I do not know how much he was paid. My brother pays him. He came to the

In the Supreme  
Court of Ceylon

Prosecution  
Evidence.

No.16.

A.C.M.K. Mohamadu  
Mohideen.  
Examination -  
continued.

boutique on the day in question at about 7 or 8 a.m. in search of my brother to demand his salary. My brother was not there. He came walking. He remained in the boutique till about 12 or 12.30 p.m. waiting for my brother. (To Court - Q. Did he wait there continuously without a break? A. Yes. Q. Where was he? A. He was in the verandah. Q. Did he go anywhere between that time - i.e. 7 - 12? A. He went after inquiring for my brother and then came back at 12 or 12.30 p.m. When he came back at noon my brother had gone for his breakfast. The accused borrowed my bicycle and went home after that and returned at about 3.30 or 4 p.m. When he returned then, he placed the bicycle against a tree and went away. He did not meet my brother. He did not come on the previous day, but 2 days prior to that to demand his salary. He did not get his salary even then. I did not pay any attention to his mode of dress when he came in the morning as well as in the afternoon as I was engaged in my trade. He was arrested in our verandah. He was arrested little before dusk. There is no truth in the suggestion that the accused was in our boutique the whole day, except for the time he went out for his breakfast, until he was arrested. After returning the bicycle he left the boutique and returned back again. I have traded in that boutique for over 10 or 15 years. The accused's house is about 1 mile away from our boutique. When the accused returned after he returned the bicycle my brother was there in the boutique then going through the accounts. He was arrested by a constable.

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Cross-  
Examination.

CROSS-EXAMINATION - I remember my brother going to the Mosque on the day in question. I do not know at what time he went to the mosque. The service starts at 12.30 p.m. and terminates at 3 p.m. One can go at any time within that period of time to worship.

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No.17.

A.C.M.K. Seyadu  
Mohamadu.  
Examination.

No.17.

A.C.M.K. SEYADU MOHAMADU. Examination

A.C.M.K. SEYADU MOHAMADU - Affirmed.

The last witness is my brother. Our boutique

is run in partnership. This accused worked in my brother's estate for a month or two. I remember the day of the incident. This accused was discharged from service about 2 days prior to this incident. After he was discontinued he came to our boutique for his salary. He came on the very day he was discontinued. He did not meet my brother to demand his salary. He used to come intermittently. On the day in question he came to the boutique at 10 a.m. in the morning and again at 12.30 p.m. When I went for the midday meal the accused was in the boutique. After my midday meal I came back at about 3.30 p.m. When I came back then I did not see the accused. After a little while I noticed him in the boutique, when I was going through my accounts. I questioned my brother when the Police inquired whether he borrowed the bicycle to go for his meals. I was present when the accused was arrested. The Police came up and called for me and inquired whether the accused was in the boutique. The accused was there and he was then arrested. I remember the time he worked under Mr. Stanley Jayawardena. There was an interval of 5 or 6 months between our employ and that of Mr. Jayawardena.

CROSS-EXAMINATION - After my breakfast I went to the Mosque and remained there till 3 p.m. The mosque is within sight of the boutique. I noticed the accused in our boutique at about 4 p.m. that evening. Before he was arrested he was eating a mango; before that he went through some accounts. Then he was not excited at all. At the time when this accused was in my brother's employ the gun belonging to the estate got lost. We informed the Police re this lost gun.

TO THE JURY - When I saw him in the morning he was clad in a sarong and a banian. Even in the evening he was clad in a sarong and a banian but I cannot say whether it was the same sarong and banian which he wore in the morning. He came to the boutique to get his salary because he was instructed by my brother.

No.18.

P. RUSSEL COREA. EXAMINATION.

P. RUSSEL COREA - Sworn.

I am 35 years of age, a clerk in the Puttalam

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.17.

A.C.M.K. Seyadu  
Mohamadu.

Examination -  
continued.

Cross-  
Examination.

No.18.

P. Russel Corea.  
Examination.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.18.

P. Russel Corea.  
Examination -  
continued.

Kachcheri. The witness Arumugam informed me first about this incident. He informed me just opposite to Mr. Rowland Seneviratne's estate, at about 4 or 5 p.m. He told me that a woman was lying in Collin Silva's verandah with her neck cut. I then went to the Police Station and informed them accordingly. From the Police Station I proceeded to the spot with two constables - Hassim and Jayawardena. We first went to the deceased's house and found the front door locked. Then we went to Collin Silva's house. (To Court - I did not go inside the house and not even through the window.) I saw the woman lying in the verandah in Silva's house in a pool of blood. I noticed an injury on the neck and her ear lobes completely cut. Three of us were the first to get to the spot. Constable Hassim tied a bandage round the woman's neck. Thereafter he questioned the woman as to who cut her. Then she indicated that she could not speak. There was a large crowd then and Mr. Stanley Jayawardena was among them. He was within sight of the woman.

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The witness fainted and was removed from the witness box to be called after he revived.  
(This Witness was recalled see No.30 page 38.)

No.19.

S.W. Jayawardena.  
Examination.

No.19.

S.W. JAYAWARDENA. EXAMINATION.

S.W. JAYAWARDENA - Sworn.

I am 34 years of age, a landed proprietor at Madampe. This accused was under my employ for about 2 years as a carter. He was in the house as a carter. (To Court - Martin Perera was employed under me as a watcher). The estate in which Martin Perera was the watcher is about 1 mile away from my residing house. He was in my employ before the accused was employed. During the two years the accused worked under me there was a break - a short interval. He ceased work since April 1933. The accused used to accompany me to the estate to pick nuts. To my knowledge the accused had no lands of his own. I

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knew the deceased very well. She lived in an adjoining land of one of my estates. I had spoken to her and this accused too had spoken to her. This incident took place on the 15th of May last. I heard about it from the headman and I proceeded to the spot with him. When the headman and myself went to the spot the two constables and Mr. Corea were there. The injured woman was lying in a pool of blood. When I went the woman's neck was bandaged. I remember the constable questioning her as to who cut her. The woman could not speak. When that constable questioned her she pointed to me and made a sign - shows the gesture - to indicate height. (To Court - I was within sight of the woman) At that time Martin Perera was there standing close by to the woman. At the same time she pointed to the other constable and struck her own cheek gently. When she patted her cheek, Martin Perera who was there asked her whether it was Alisandiri. (To Court I cannot say whether he questioned in Sinhalese or Tamil as I cannot remember). In response to the question of Martin Perera the woman nodded her head (shows). (To Court - Q. Are you aware yourself that the deceased knew that the accused's name was Alisandiri? A. Yes, I am quite sure.) Thereafter I went in search of the accused with the headman and a constable. After the accused left my employ he was employed under some moor people. He was employed by those moors long after he left me. It was during the break that he assaulted the constable.

CROSS-EXAMINATION. I had other labourers besides this accused. At the time of the offence he was not in my employ. Martin Perera and this accused were on good terms when they were in my employ but I never heard to the contrary there after. The woman distinctly nodded her head to the question put by Martin Perera. I cannot remember whether Martin asked her further questions. Q. Was there any other occasion for the woman to response in a nod? A. No, I cannot remember. She nodded her head to the question when Alisandiri's name was mentioned. (To Court - I am aware that the accused rides bicycles.)

TO THE JURY - Q. Did the deceased indicate by signs that her assailant had been your carter? A. No, I cannot remember.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No.19.

S.W. Jayawardena.  
Examination - continued.

Cross- Examination.

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.19.

S.W. Jayawardena.  
Re-Examination.

RE-EXAMINATION. When I went to the spot the woman's neck was bandaged. The woman pointed at me almost about the time I got to the spot when the constable put her the question as to who cut her. There are two routes from Mohideen's boutique to Collin Silva's house. One is the Chilaw-Colombo route and another route. The shorter route is the Colombo-Chilaw route.

Adjourned 1.30 p.m.

No.20.

N. M. Hussim.  
Examination.

No.20

N.M. HUSSIM. EXAMINATION

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N.M. HUSSIM - Affirmed - P.C. No.2353.

Mr. Corea informed me about this incident at 4.45 p.m. on the 15th of May last. He told me that Lasa's wife's neck has been cut. On that occasion I accompanied him to the spot. I got to the spot at about 5.15 p.m. At the deceased's house the front door was closed. The window was open and there were no bars to it. I noticed blood stains on the window sill and a trail of blood stains on the verandah. I then went to Collin Silva's house. The injured woman was there lying in the verandah; she was alive at the time and I rendered first aid. Before I rendered first aid I questioned her but she did not speak. After I rendered aid she spoke to me. Mr. Corea and constable Jayawardena accompanied me to the spot. Several others arrived at the spot a little later. I questioned her in Tamil the first question but she did not respond to it. After she was bandaged I questioned her again as to who cut her. When I questioned her the second time Mr. Stanley Jayawardena was present. Then she pointed at him and made a sign. (Shows the sign) to indicate height. Then Martin who was in the crowd asked her whether it was Alisandiri for which question of his she nodded her head. (Shows) Then again she pointed at P.C. Jayawardena and put her palm against her cheek. The Inspector was present when these signs were made. He sent a constable in search of the accused. I took steps to remove her to the hospital. Mr. Jayawardena removed her in his car. (To Court -

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At the spot I did not record the statements of witness; the Inspector did so.

In the Supreme Court of Ceylon.

CROSS-EXAMINATION - I placed the injured woman against a car cushion which was placed against a wall - erect. The body was erect. She distinctly nodded. Martin put the question when she pointed to Police Constable Jayawardena. (To Court - I have been in this station for about 4 years. Police Constable Jayawardena came to this station about 4 or 5 months prior to this incident.)

Prosecution Evidence.

No.20.

N. M. Hussim. Cross-Examination.

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TO THE JURY - The window in the deceased's house was so large enough for a person to get out through it. I cannot remember of having seen a mat being brought from the deceased's house. I know that a mat was brought to be spread over the cushion in the car so that it might not be spoiled by the blood; but I do not know from where it was brought.

RE-EXAMINATION - Nil.

Re-Examination.

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No.21.

A.N.P. GUNASEKERA. EXAMINATION.

No.21.

A.N.P. Gunasekera. Examination.

A.N.P. GUNASEKERA - Affirmed.

I am the Sub-Inspector of Police Passara. At the time of the offence I was stationed at Madampe. On the information given by Mr. Corea the sergeant detailed the last witness to go to the scene of the offence. I followed him. I arrived at the scene at 5 p.m. When I went I noticed the neck of the injured woman bandaged. Mr. Jayawardena was at the spot when I went to the scene, and also Martin Perera. I remember constable Hassim put a question to the injured woman as to who cut her. Then she pointed to Mr. Jayawardena and made a sign (shows). Then Martin Perera asked her whether it was Alisandiri that she referred to, to which she nodded her head. Thereafter she pointed at Constable Jayawardena. (To Court - Constable Jayawardena was close by - within sight. She pointed at Constable Jayawardena and patted her own cheek. In consequence

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In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No. 21.

A.N.P. Gunasekera.  
Examination -  
continued.

of that I ordered the constable to arrest this accused and also to search his house for blood stains and for the jewellery. In the meantime I took steps to despatch the deceased to the hospital. Before sending her to the hospital I proceeded to her house with a constable. (To Court - I gained entrance to the room by asking Nadar to get into it through the open window and then open the door by removing the locks. (To Court - Both Hussim and I went into the house. I saw this trunk. I did not attach any significance to this trunk. By merely looking I inferred that it was locked. No precautions were taken to keep the trunk from being handled by others. (To Court - There were indications in the room of a disturbance - that is all the things in the room were disturbed and these pieces of a broken till was found on the floor (P7). I also found a wooden box in which the clothes were disturbed (P5). To Court - The floor of the deceased's house was of cow dung. There were no indications of any foot prints. I searched this room but I did not find this katty (P1). It was rather dark at the time I made my search. There were blood on the camp cot, near the window and on the chair. Before I left the spot I recorded the statements of Mr. Corea, Sandanam Nadar, Martin Perera. I recorded Martin Perera's statement, after he came back from the hospital at the spot. (The statement of Sandanam Nadar and Martin Perera read as recorded by the Inspector) Sandanam Nadar made his statement in the absence of the witness Martin Perera. Sandanam also referred in his statement to the red checked sarong, worn by the accused on the day in question. Martin Perera too made this statement. (To Court - There is a foot path about 3 or 4 feet wide leading to the well from the deceased's house. Nadar did not tell me that the accused came on a bicycle in search of the kangani. The accused could not have comfortably rode to the wadiya as there are drains cut all over. He could have comfortably walked the distance. A cry made at the deceased's house could not have been heard to Collin Silva's house owing to the distance. Paiaiah's house is, I think far away than Collin Silva's house from the deceased's house. The accused could have left the bicycle without being seen before he went up to the wadiya or to the

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deceased's house. I went to the thicket pointed out by Charlis to find out whether the accused had gone there for a call of nature. I found no such thing, but I found the thicket disturbed. We also searched the surrounding jungle round about the thicket but we did not find any jewellery. I examined Arumugam Nadar and Engaltine Silva on the 15th. On the 16th I examined Charlis Silva, Mohamadu and Mohideen. On the 18th I examined Davith and Julihamy. (To Court - I came across Davith when I was making a general inquiry in the matter, quite casually. I learned that Julihamy knew something about this through Maria Fernando the sister-in-law. I also came across Kitan Nadar in the same manner. I recorded his statement on the 20.5.34. I have been in that station for 3 years. I examined Charlis Fernando on the 20th May 1934, and Thomas Fernando on the 17th morning. I know that this accused had once slapped Police Constable P.C. Weerasinghe and I inquired into it. There was a case against him. This happened on the 1st February 1933.

CROSS-EXAMINATION. I have been in the Police Force for 15 years. I worked in a Gang Robbery case in which the jury brought in a rider to the effect that the Police should have search for the stolen property. The katty (P1) was found by Inspector Mediwaka on the following day. I did not find any stolen property in the boutique or in the accused's house. On the 16th I searched the thicket at 2.30 a.m. It is about 3/4 of a mile along Chilaw-Colombo road to the deceased's house from Mohideen's boutique. After the deceased was admitted I went to the hospital at about 8.30 or 9 P.M. I took the accused to the hospital to be shown to the deceased but the Doctor instructed me to the effect that the deceased was not in a fit condition to do so. The estate on which Davith worked is about 1/4 mile away from the deceased's house. From the deceased's house to Collin Silva's house it is about 480 feet. Between these properties there is a fence and one could easily cross through it. When I left the deceased's house I did not leave a constable to guard the house.

RE-EXAMINATION - Nil.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No.21.

A.N.P.Gunasekera.  
Examination - continued.

Cross-Examination.

Re-Examination.

In the Supreme Court of Ceylon.

No.22.

K.B. JAYAWARDENA. EXAMINATION.

Prosecution Evidence.

No.22.

K.B. JAYAWARDENA - Affirmed.

K.B. Jayawardena. Examination.

P.C. No.380 - Chilaw. I accompanied constable Hassim and Mr. Corea to the Deceased's house. I was present when the woman made the signs. The inspector asked me to take the woman to the hospital. After leaving her in the hospital I went back to the Police Station. I was sent again to the spot that very night to make further investigations. Charlis Singho made a statement to me on the day in question but I did not record his statement. He told me that Alisandiri came on a bicycle and leaning it against a culvert went to a thicket. I went to the thicket and examined it myself that night. I did not search the other side of the railway lines, that night. I searched the whole of the neighbourhood of the thicket including the other side of the railway lines with the inspector. After Charlis Singho made his statement he went home and I proceeded to the spot where the Inspector was making inquiries and told him what Charlis Singho had told me. Then Charlis Singho was sent for and his statement was recorded by the Inspector.

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Cross-Examination.

CROSS-EXAMINATION. Charlis Singho made his statement at about 10 p.m. to me. I never met his brother before he made his statement to me. There are small thickets on the other side of the railway lines and if one were to hide in any one of them he could be seen.

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Re-Examination.

RE-EXAMINATION Nil.

No.23.

D.S. Wanigasundera. Examination.

No.23.

D.S. WANIGASUNDERA. EXAMINATION.

D.S. WANIGASUNDERA - Headman No.536 - Ihalagama.

On the 15th of May last when I went to the

scene I was ordered by the inspector to arrest this accused. I went along with constable Mahasena. I arrested him in Mohideen's boutique. He was in the verandah at the time I arrested him. He was wearing a banian and a sarong. I cannot remember whether it was a red checked sarong. I took this bicycle in my charge - P10.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No.23.

A.S.Wanigasundera. Examination - continued.

Cross-Examination.

No.24.

R. Mediwaka. Examination.

CROSS-EXAMINATION - Nil.

No.24.

R. MEDIWAKA. EXAMINATION.

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R. MEDIWAKA sworn. Inspector of Police, Chilaw.

I visited the scene on the 16th at 1.30 p.m. The place of the offence is beyond my jurisdiction. Then I was the acting A.S.P. I received order from the S.P. to visit the scene. When I went to the spot the door was opened. (To Court - I went with P.C. No.1116 - Peter) I went into the room and there I found this camp cot. This trunk was also there. I examined it carefully. An attempt had been made to force open the trunk. I handled it myself and it was possible for some of my finger prints to be left on it. I found this katty (P1) and this trunk (P2) in the room. When I went there the Nadars were cooking in the room.

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CROSS-EXAMINATION. There were no blood stains on the trunk at all. I opened this box and found the clothes disturbed.

Cross-Examination.

TO THE JURY. I got a key from the Nadar to open this box. I opened it at the hospital.

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No.25.

L. SOMASUNDERAM. EXAMINATION.

No.25.

L. Somasunderam. Examination.

L. SOMASUNDERAM - Affirmed.

I am the Sub-Inspector of Police Chilaw. I was present at the identification parade which

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.25.

L.Somasunderam.  
Examination -  
continued.

was held on the 16th of May last. On the night of the 15th this accused was taken to the hospital and from there to the Police Station. He was detained there that night. On the morning of the 16th I took him to the hospital and produced him before the Magistrate. Thereafter he was placed in a row of about 7 or 8 persons. Then Sandanam Nadar was brought in and was asked to identify the man who came to the wadiya. (To Court - The Nadar was not there at the hospital before the accused was brought by the Police.) In that row of 7 or 8 persons he pointed this accused. 10

Cross-  
Examination.  
Re-Examination.

CROSS-EXAMINATION. Nil.

RE-EXAMINATION - Nil.

No.26.

D. J. Wijeleth.  
Examination.

No.26.

D.J. WIJELETH. EXAMINATION.

D.J. WIJELETH - Police Sergeant No.1645.

I am the Police Sergeant at the Chilaw Police Court. I took the palm prints of this accused and sent them to the Registrar of Finger prints. I produce the report of the Registrar of Finger prints marked P14-P15. 20

Cross-  
Examination.

CROSS-EXAMINATION - Nil.

No.27.

M.A.P.Weerasinghe.  
Examination.

No.27

M.A.P. WEERASINGHE. EXAMINATION.

M.A.P. WEERASINGHE - Affirmed. Police Constable No.1883 Chilaw. In February 1933 I was stationed at Madampe. While on patrol duty on the 1st of February 1933 this accused slapped me. Inspector Gunasekera inquired into the matter and there was case against this accused. He was convicted. 30

Cross-  
Examination.

CROSS-EXAMINATION. Nil.



No.28.

L.R. JAYEMANNA. EXAMINATION.

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In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

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No.28.

L.R.Jayemanna.  
Examination.

L.R. JAYEMANNA - Sworn.

I am a Licensed Surveyor. I produce the sketches in this case. I produce 6 copies of the sketches marked Pl6. The witnesses pointed out the spots to me. I took the measurements myself and swear to their accuracy.

CROSS-EXAMINATION. Nil.

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Cross-  
Examination.

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No.29.

K.P. CHANDRASEKERA. EXAMINATION.

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No.29.

K.P.Chandrasekera.  
Examination.

KARUNAWATHIE PERERA CHANDRASEKERA - Affirmed.

I am 20 years of age, living at Thalagama. I remember the day of the incident. I am the sister of the accused. On the day in question he came for his mid-day meal and after that he went to sleep. Thereafter he had a cup of tea and left the house at 2 or 2.30 p.m.

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CROSS-EXAMINATION. I was examined by the Police on the day after the incident. I told the Police that my brother came home for his meals at 12 p.m. and went to sleep and took tea at about 2.30 p.m. I made my statement to Inspector Gunasekera.

Cross-  
Examination.

RE-EXAMINATION. (The statement of the witness read to her as recorded by the inspector which she says is incorrect). What I stated in the Police Court is correct.

Re-Examination.

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TO THE JURY. When my brother left home after his breakfast and tea he was wearing a dark coloured sarong and a white gauze banian.

Adjourned 4 p.m.

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In the Supreme Court of Ceylon.

No.30.  
RUSSEL COREA. EXAMINATION Continued.

Prosecution Evidence.

Resumed 1st May 1935.

No.30.  
Russel Corea.  
Examination - continued.

RUSSEL COREA - Recalled - Re-sworn.

When Hassim questioned her, she pointed to Mr. Stanley Jayawardena and made a sign by raising her hand-shows. Then Martin who was present put a question to her and asked her whether it was Alisandiri. Q. Did Martin Perera put that question immediately she pointed to Mr. Stanley Jayawardena? A. Yes. Q. Then what did the woman do to that question? A. She nodded her head up and down. Q. Did she do anything else? A. Then there was Constable Jayawardena to whom she pointed at and slapped her own cheek. I did not go to the hospital I went to the house of the deceased following the inspector and Hassim. The door was opened. I did not get right inside the house. I saw the camp cot with blood stains and also on the floor. There were pieces of a broken till on the floor. I also saw the chair near the window. 10 20

Cross-Examination.

CROSS-EXAMINATION. I did not find any blood stained knife in the room but there were several other knives. There is a big thicket to the left side of the Colombo-Chilaw road near the junction of Galahetiya. I do not know the thicket pointed by Charlis Singho.

Re-Examination.

RE-EXAMINATION. Nil.

No.31.  
Dr. H. C. V.  
de Silva.  
Re-called.

No.31.  
DR. H.C.V. de SILVA. RE-CALLED.

DR. H.C.V. de SILVA - Re-Called - Re-sworn.

The injuries other than injury No.1 could have been caused by a sharp cutting instrument. If a sharp cutting instrument was used to inflict injury No.1 it would be a clean cut wound, but

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

No.31.

Dr. H. C. V.  
de Silva.

Re-called -  
continued.

10 it was not so because it was so irregular and a jagged wound. Certain amount of force might have been used to inflict that injury by this katty (Pl). I would not particularly say that the deceased was a fairly well nourished subject of good physique. I would not put her down as an exceptionally a strong woman. It would have been possible for the accused to have held down the woman without any assistance and to cause these injuries on her. Relatively speaking the accused is much stronger than the woman. There was a certain amount of draw of the weapon used to inflict that injury No.1. The injuries on the ears were clean cut injuries severing the end of the ear lobes. What I think is that the ears lobes might have been held and cut. A knife could be easily wielded than a katty. There were no indication of any struggling on the accused. The accused might have used two knives. There were 20 no marks of violence. In the absence of any marks of violence I assume that the deceased was taken unawares. This injury No. 1 could have been caused if the deceased was lying down. It was extending from the left side across the front of the neck to the right side to about  $\frac{1}{2}$  an inch from the middle line of the neck, together it was 4 inches long externally. It was easy for a right handed man to inflict that injury No. 1 from behind. Assuming that the attack was made 30 from behind, it would be possible for the accused to have used this katty to inflict that injury No.1. I do not think that this injury No. 1 was inflicted by a sharp cutting instrument. A sharp cutting instrument could be easily wielded and therefore the accused must have used a clasp knife for the infliction of the other injuries. The deceased could not have spoken or screamed after injury No. 1 was inflicted. If the woman had not screamed or had not been heard by anybody, I assume that injury No. 1 was inflicted 40 first. After the injuries were inflicted the woman was conscious and her muscles were normally working. It was possible for the woman to have placed a chair near the window and gain her egress through the window and to have walked, but she was weak. I did not make any test to find out whether the accused was a left handed or right handed man.

CROSS-EXAMINATION. Injury No. 1 was very deep,

Cross-  
Examination.

In the Supreme Court of Ceylon.

Prosecution Evidence.

No.31.

Dr. H. C. V. de Silva.

Re-Examination.

cutting the muscles of the neck. It was deeper on the right side.

RE-EXAMINATION. It was deeper on the right side. From that I could say that the point of the katty might have made it cut deeper. The deceased could have seen as to who cut her ear lobes.

The deposition of P.C. No. 1250 read.

The report of the Government Analyst read.

The statement of the accused read.

The case for the prosecution closed.

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Counsel for the prisoner addresses the jury.

Court sums up.

The Jury retires.

VERDICT. Divided 6 to 1. The jury added a rider which is as follows:- "In our opinion GUILTY. the Police should have made a minute examination of the house of the deceased on the day of the murder or placed a guard at the house until such time the productions were actually taken in charge."

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The accused on being asked if he has any cause to show why the Sentence of Death should not be passed against him, states: "I have no cause to show."

SENTENCE OF DEATH PASSED.

EXECUTION FIXED FOR WEDNESDAY THE 5TH OF JUNE 1935.

I do hereby certify that the above is a true and correct copy of the notes of the evidence taken down by me in the above-numbered case at the Trial before the Supreme Court.

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Sgd. G.A. PERERA  
Acting Stenographer.  
Supreme Court.

Colombo, 7th May, 1935.

No.32.  
VERDICT and SENTENCE

In the Supreme  
Court of Ceylon.

Prosecution  
Evidence.

Colombo 29th April 1935.

To this indictment the prisoner Alexander Perera Chandarasekera alias Alisindiri pleads not guilty.

No.32.  
Verdict and Sentence, 1st May 1935.

Sgd. E.W. GUNERATNE

Dy Registrar, S.C.

10 Colombo the 1st day of May One thousand Nine hundred and thirty five

The Verdict by a majority of 6 to 1 of the Jurors sworn to try the matter of accusation in this case is that the prisoner is guilty of murder.

They add the following rider :-

"In our opinion the Police should have made a minute examination of the house of the deceased on the day of the murder or placed a guard at the house until such time as the productions were actually taken charge of"

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Sgd. E.W. GUNERATNE  
Deputy Registrar, S.C.  
V.C. MANICAN  
Foreman.

Colombo the 1st day of May One thousand Nine hundred and thirty five

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On this Indictment the sentence of the Court, pronounced and published this day, is that the prisoner be taken hence to the Welikade Prison in Colombo and on Wednesday the 5th June 1935 within the walls of the said prison be hanged by his neck until he be dead.

(Sgd.) E.W. GUNERATNE

Dy Registrar, S.C.

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In the Privy  
Council.

No.33.

ORDER IN COUNCIL GRANTING SPECIAL  
LEAVE TO APPEAL TO HIS MAJESTY  
IN COUNCIL

No.33.  
Order in Council  
granting special leave to  
Appeal to His Majesty in  
Council, 20th  
December, 1935.

AT THE COURT AT BUCKINGHAM PALACE

The 20th day of December, 1935.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT      SIR LANCELOT SANDERSON  
LORD COLEBROOKE     SIR KINGSLEY WOOD

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WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 19th day of November 1935 in the words following viz. :-

"Whereas by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Alexander Perera Chandarasekera alias Alisandiri in the matter of an Appeal from the Supreme Court of the Island of Ceylon between the Petitioner Appellant and Your Majesty Respondent setting forth (amongst other matters) that the Petitioner prays for special leave to appeal from a Judgment of the Supreme Court delivered on the 1st May 1935 whereby he was convicted of murder and sentenced to death; that the Petitioner was indicted at a Session of the Supreme Court at Colombo before a Judge and a Jury consisting of seven persons on a charge of having on the 15th May 1934 murdered one Salami Nadatchi: that the Jury found the Petitioner guilty by a majority of six to one: that the Petitioner's proctor applied to the Supreme Court for a copy of the summing-up of the learned Judge but the Petitioner was unable to obtain a copy as no shorthand note of the summing-up had been taken: that the Petitioner

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is consequently unable to make any submission relating to the summing-up: that the evidence led by the Crown falls into the following categories:- (i) evidence of signs made by the deceased alleged to implicate the accused; this is the main evidence upon which the prosecution rested and without this evidence it would not have been possible for the jury to have brought in a verdict of guilty; (ii) medical evidence; (iii) evidence to suggest a motive of robbery: that the Petitioner submits that in the circumstances set out in the Petition there has been a manifest violation of the principles of natural justice in that he has been convicted of the offence of murder upon evidence admitted in breach of fundamental principles relating to dying declarations in breach even of the ruling of the learned Judge who presided and as a whole clearly insufficient upon any legal or fair view to warrant a conviction: And humbly praying Your Majesty in Council to grant him special leave to appeal from the conviction and sentence of the Supreme Court of the 1st May 1935 or for such other Order as to Your Majesty in Council may seem fit:

"The Lords of the Committee in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment of the Supreme Court of the Island of Ceylon dated the 1st day of May 1935:

"And Their Lordships do further report to Your Majesty that the proper officer of the said Supreme Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioner of the usual fees for the same."

HIS MAJESTY having taken the said Report

In the Privy Council.

No.33.

Order in Council granting special leave to Appeal to His Majesty in Council, 20th December, 1935 - continued.

In the Privy Council.

No.33.

Order in Council granting special leave to Appeal to His Majesty in Council, 20th December, 1935 - continued.

into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor or Officer administering the Government of the Island of Ceylon and its Dependencies for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

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M. P. A. HANKEY.

Exhibits

E X H I B I T S

In the Supreme Court of Ceylon.

P.14.

LETTER FROM FINGER PRINT BUREAU.

P.14.

Letter from Finger Print Bureau, 21st May, 1934.

No. A.R.116/34.

Finger Print Bureau C.I.D.

Colombo 21st May 1934.

The Police Magistrate,  
Chilaw.

P.C. Chilaw Case No.42649.

Sir,

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With reference to your letter No.566 of the 19th instant, I have the honour to return per bearer P.C. 1259 W.S.J. Perera the trunk box marked P2 and to inform you that there is a portion of a palm print on the lid of the trunk box (left of the middle hasp) This was photographed.

2. The palm prints of the accused Chandrasekera Alexander Perera may be obtained and sent for comparison. I have retained the Finger Prints of this accused.

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I am, Sir,  
Your obedient servant,  
Sgd/ Illegibly  
Acting Registrar of Finger Prints.



P.15.  
LETTER FROM FINGER PRINT BUREAU.

No. A.R.116/34.  
Finger Print Bureau C.I.D.  
Colombo 26/28 May 1934.

The Police Magistrate,  
Chilaw.

P.C.Chilaw Case No.42649.

Sir,

10 With reference to your memo No. 593 of the 23rd instant, I have the honour to return herewith productions marked X & X1 (palm prints of Chandrasekera Alexander Perera) and to inform you that they do not tally with that on P2.

I am, Sir,  
Your obedient servant,  
Sgd/ Illegibly  
Registrar of Finger Prints.

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P.17.  
POSTMORTEM REPORT .

POST-MORTEM EXAMINATION.

REPORT of a Post-mortem Examination made by Dr. H.C.V. de Silva D.M.O. Chilaw on the body of Solaminatchi at the request of the Police Magistrate, Chilaw, Coroner. Examination commenced

Exhibits  
In the Supreme  
Court of Ceylon.

P.15.  
Letter from  
Finger Print  
Bureau, 26/28  
May, 1934.

P.17.  
Postmortem Report  
31st May, 1934.

Exhibits.  
In the Supreme  
Court of Ceylon.

at 5 o'clock P.M. about 20 hours after death, and terminated at 6 o'clock P.M. on the 16th day of May 1934.

P.17.  
Postmortem Report  
31st May, 1934 -  
continued.

I.	1. Name of District	Chilaw.	
	2. Place of Examination	Hospital Mortuary.	
II.	Person or persons who identified the body.	1. Ana Madawadiya Nadar 2. Liyanage Martin Perera	
III.	External Inspection.		
	1. General condition of the body.	That of a fairly well nourished woman	10
	General colour.	Brown	
	Marks, scars, & deformities.	4 vaccination marks on left arm.	
	Injuries (inflicted before or after death).	(1) A jagged incised wound extending from left side in a downward direction across the front of the neck to the right side about $\frac{1}{2}$ inch from the middle line. The width was 4 inches long externally and had cut the muscles on the sides of the neck, the entire larynx and the upper 2 rings of the trachea exposing the base of the tongue and the mouth cavity. (2) An incised wound one inch long cutting the entire thickness of the right wing of the nose. (3) An incised wound one inch long cutting the entire thickness of the right lower eye lid. (4) An incised wound $\frac{1}{2}$ inch long scalp deed on the right side of the forehead. (5) Two incised wounds severing the lower portion of the lobes of both ears.	20 30 40

2. Height (as determined by measurement).	Four feet four inches.
3. Age	About 42 years
4. Sex.	Female
5. Colour of the eyes.	Dark
6. Length, colour and condition of the hair	25" black with few grey hairs loose
7. Position and condition of the tongue.	Within mouth, slightly
8. Condition and number of teeth.	Normal 32
Complete.	Yes
Incomplete.	-
Any peculiarity	Nil
9. Signs of death	
Rigor mortis	Present
Putrefaction	Nil
10. Condition and contents of hands and nails.	Finger tips slightly bluish, clenched, nil.
11. Condition of the natural openings	Normal
Nose	Normal
Mouth	Normal
Ears	Normal
Urinary and Sexual	Normal
Anus	Normal

Exhibits.

In the Supreme Court of Ceylon.

P.17.

Postmortem Report  
31st May, 1934 -  
continued.

Exhibits.  
In the Supreme  
Court of Ceylon.

P.17.  
Postmortem Report  
31st May, 1934 -  
continued.

	12. Condition of the neck.	Vide injury No.1	
	Presence of marks of strangulation.	Nil	
	Condition of the upper cervical vertebrae.	Normal	
IV	Internal Inspection		
	1. Cranial cavity.	Vide injury No.4	
	Condition of the bones of the skull.	Normal	10
	Condition of the membranes and sinuses of the brain.	Normal	
	Condition and appearance of the brain substance.	Normal	20
	Contents of the lateral ventricles.	Some straw coloured fluid.	
	Conditions of vessels of brain.	Normal	
	2. Thoracic cavity.		
	Position of organs on opening the chest.	Normal	
	Condition of Pericardium.	Normal	30
	Condition of heart.	Normal	
	Right side	distended - blood	
	Contents	blood	
	Left side	normal	
	Contents	almost empty	

	Coronary vessels.	Normal.
	Condition of the large blood vessels.	engagement of the large venous trunks
	Condition of the lungs	posterior surface and bases of both lungs congested.
	Larynx	vide Injury No.1
10	Trachea	contained blood and mucus
	Gullet	Normal
	3. Abdominal cavity	
	Position of the abdominal organs on first opening cavity.	Normal
	Condition of the liver.	slightly congested.
	Gall bladder.	Normal
20	Spleen.	congested and enlarged
	Stomach.	Normal
	a. Contents	a full meal of rice, meat and vegetable
	Duodenum.	Normal
	a. Contents.	Nil
	Jejunum.	Normal
	a. Contents.	liquid faecal matter
	Illium.	Normal
	a. Contents.	Liquid faecal matter
30	Large Intestines.	Normal
	a. Contents.	semi solid faecal matter

Exhibits.  
 In the Supreme  
 Court of Ceylon.  
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 Postmortem Report  
 31st May, 1934 -  
 continued.

Exhibits.  
In the Supreme  
Court of Ceylon.

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continued.

Kidneys.	Normal
Suprarenal Capsules.	Normal
Bladder.	Normal
a. Contents	some urine
Condition of the blood vessels	Normal
Generative Organs	Normal
V. The opinion and the reasons on which it is grounded.	From these post mortem appearances I am of opin- ion that death was due to asphyxia from the trick- ling of blood through the trachea into the lungs as a result of injury on the throat.

10

Sgd. H.C.V.de SILVA  
Signature and Rank of Medical Officer  
D.M.O. Chilaw.

SWORN to before me at )  
Chilaw on this 31st day )  
of May 1934. )

20

Sgd. T.M. FERNANDO  
A.P.M.

IN THE PRIVY COUNCIL

Appeal No.30 of 1936.

ON APPEAL FROM THE SUPREME  
COURT OF CEYLON.

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BETWEEN

CHANDRASEKERA alias ALISANDIRI  
Appellant

- and -

THE KING ... Respondent

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RECORD OF PROCEEDINGS.

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DOUGLAS GRANT & DOLD,  
502-505, Bank Chambers,  
Southampton Buildings,  
Chancery Lane, W.C.2.  
Solicitors for the Appellant.

BURCHELLS,  
5, The Sanctuary,  
Westminster, S.W.1.  
Solicitors for the Respondent.