

35

IN THE PRIVY COUNCIL

No. 23 of 1970

ON APPEAL FROM
FROM THE SUPREME COURT OF CEYLON

B E T W E E N:

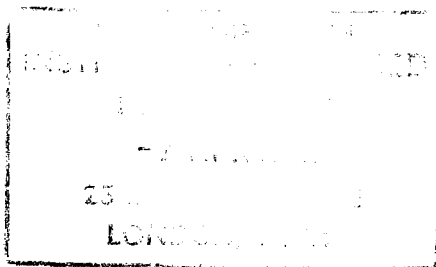
IDROOS MOHAMMED MUCKTAR

Appellant,

- and -

D.H. WANASINGHE, Inspector of
Police, GampahaRespondent

R E C O R D O F P R O C E E D I N G S



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ON APPEAL FROM
FROM THE SUPREME COURT OF CEYLON

B E T W E E N:

IDROOS MOHAMMED MUCKTAR

Appellant

- and -

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1.

IN THE PRIVY COUNCIL

No.23 of 1970

ON APPEAL FROM
FROM THE SUPREME COURT OF CEYLON

B E T W E E N:

IDROOS MOHAMMED MUCKTAR Appellant

- and -

D.H. WANASINGHE, Inspector of
Police, Gampaha Respondent

R E C O R D O F P R O C E E D I N G S

No. 1
Information

In the
Magistrate's
Court

Possess fresh Leopard skins.
Sec. 31 Chapter 469

No. 1
Information

C E Y L O N P O L I C E

26th April 1969

M.C.Gampaha Case No. 32878/A

IN THE MAGISTRATE'S COURT OF GAMPAHA.

This 26th day of April 1969. I, D.H.Wanasinghe, Inspector of Police, Gampaha in terms of section 148(1)(b) of the Criminal Procedure Code (Chapter 20), here report to the Court that Idroos Mohammed Mukthar of Makewita, Gampaha did on or about the 8th day of April 1969 at Makewita, Gampaha within the jurisdiction of this court, in any area outside a national reserve or Sanctuary, have in his possession or under his control, skins of beasts included in Schedule IV, to wit:- Two skins of leopard, seven skins of heads of leopards eight skins of legs of leopards, three pieces of leopard

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20

In the
Magistrate's
Court

No. 1

Information

26th April 1969

(continued)

skins and six mounted heads of leopards, all skins which were of recently killed leopards, in contravention of section 31,1(d) of the Fauna and Flora Protection Ordinance, Chapter 469 L.E.C. as amended by Fauna and Flora Protection (Amendment) Act No. 44 of 1964 and thereby committed an offence punishable under section 31 of the said Ordinance read with the said Amendment Act.

Productions

1. Two large leopard skins. 10
2. Seven skins of leopard heads.
3. Six mounted leopard heads.
4. Three pieces of leopard skins.
5. Eight pieces of skins of leopard legs.
6. Certificate of The Director of National Museums, Colombo, 7.

WITNESSES

1. D.H.Wanasinghe, Inspector of Police Gampaha.
2. PS 4291 Gunasekera of Gampaha Police.
3. Dr. P.H.D.H.De Silva, Director of National Museums, Colombo 7. 20
4. Mr. A.S.A.Packeer, Deputy Warden, Department of Wild Life Achelon Square, Colombo 1.

Sgd. Inspector of Police.

Gampaha. 26.4.69

26.4.69.

Issue summons for 14.5.69

Intd. D.C.W.Wickramasekera

Magistrate.

3.

No. 2
Charge

In the
Magistrate's
Court

C H A R G E S H E E T
(Ordinary Proceedings)
(Sections 187, 188)

No. 2
Charge
(undated)

The accused is charged as follows:-

10 I.M.Mukthar, You are hereby charged, that you did
within the jurisdiction of this Court, at Makewita on
8th April 1969 in any area outside a national reserve
or Sanctuary, have in your possession or under your
control, skins of beasts included in schedule IV, to
wit: two skins of leopards; seven skins of heads of
leopards; eight skins of legs of leopards; three
pieces of leopard skins and six mounted heads of
leopards, all skins which were those of recently killed
leopards, in contravention of section 31, 1(d) of
the Fauna and Flora Protection Ordinance, Chapter
469 L.E.C. as amended by Fauna and Flora Protection
20 (Amendment) Act No. 44 of 1964 and thereby committed
an offence punishable under section 31 of the said
ordinance read with the said (amendment) act.

The charge having been read and the accused
having been asked if he has any cause to show why
he should not be convicted, he states as follows:

I am not guilty

Sgd. W.P.N. de Silva
Mag

In the
Magistrate's
Court

32878/A

12.7.69

Accused present.

Prosecution
Evidence

Mr. Adv. C. Nadesan, Q.C. with Mr. Adv. Selvarajah instructed by Mr. Gunaratne for the accused.

P.S.3284 Gunawardena for the Prosecution Calls:

No.3

No. 3

D.H.Wanasinghe
Examination
12th July 1969

D.H. Wanasinghe

D.H.Wanasinghe, Affirmed, Inspector of Police, Gampaha.

10

On 8.4.69 on certain information received I searched the house of the accused. Inside a room under a table, I found a box containing 6 stuffed heads of leopard. In a corner of the same room, I found a gunny containing 7 skins of leopard heads, 8 skins of leopard legs and three other pieces of leopard skins and also I found two large skins of leopards. These skins had patches like blood and had an oily surface and appeared to be of recently killed leopards. I took charge of the productions and later recorded the statement of the accused.

20

On 18.4.69 I produced these productions before the Director of National Museums. Each package which was sealed was opened in his presence. He examined them and delivered his report which I produce marked P1.

(Mr.Nadasan objects to that part of the report in P1 which sets out "that the leopard skins appear to have been recently collected" as that is not a certificate which could have been given under Section 35 of the Fauna and Flora Protection Ordinance).

30

When the packages were opened, Mr.Packeer, the Deputy Warden, Wild Life Department was present and he too examined the skins and made a statement.

I produce the 6 stuffed leopard heads marked P2 P2A to P2E. (Sealed package opened in Court. Seals intact). I produce the 7 skins of leopard heads marked P3, P3A to P3F and the 8 skins of leopard legs marked P4, P4A, to P4G. I also

40

produce the three pieces of leopard skins marked 5BP5, P5A and P5B, and the two large skins of leopard marked P6 and P6A. One of the heads in P2 had to be opened up for examination and report. This house is situated at Makevita which is an area outside the National Reserve or Sanctuary.

XXD:

Q: How many of you went inside the house? A: The sergeant and I.

10 Q: Neighbours? A: No, There were others who were asked to surround the house.

Q: None of you were in uniform? A: We were in uniform.

Q: How many of you were in uniform? A: I was in uniform. If I remember the sergeant was also in uniform. There were 1 or 2 in civil clothes.

20 I entered the accused's house under Section 77(2) of Chapter 218, of the Dangerous Drugs Ordinance. Leopard skin is not a dangerous drug. I got information that there was ganja (Cannabis Sativa L) in the house of the accused. I did not get a search warrant. At 1.30 p.m. on that very day I got the information. I made an entry. I made an entry in the note book of P.S. Gunasekera. It is in Court. An entry was made at about 2.30 p.m. I am sorry, at about 1.30 p.m. on 8.4.69. I have recorded the informant's name and address and his statement too. I had known him and had reliance on him. I found no
30 opium or ganja. During the course of the search, I seized the leopard skins.

Q: You entered the house in search of opium and ganja. A: Yes.

Q: You did not find it? A: No.

Q: Under what provisions of the law did you seize the leopard skins? A: I knew the possession of recently killed skins of leopards is an offence.

40 Q: You could not have entered the accused's house to search for leopard skins? A: I thought that during the course of a lawful search, if any

In the
Magistrate's
Court

Prosecution
Evidence

No.3

D.H.Wanasinghe

Examination

12th July 1969

(continued)

Cross-
examination

In the
Magistrate's
Court

Prosecution
Evidence

No.3

D.H.Wanasinghe

Cross-
examination

12th July 1969

(continued)

other offence is detected, I could take charge of it.

Q: You could not have entered the house to search for leopard skins? A: I entered the house for another purpose which I was entitled to, and I recovered the leopard skins the possession of which is an offence. I then took charge of the same.

Q: Suppose somebody told you that there were leopard skins in the house, you would not have entered the house? A: I do not think. 10

The informant told me that there were leopard skins also. I entered the house to search for Cannabis Sativa L. I have never recovered leopard skins earlier. I have seen a leopard being skinned at Trincomalee.

Q: What year? A: I cannot remember. It was about four years ago.

I do not know the name of the person who skinned the leopard. I do not know what they did with that leopard skin. I did not examine the skin after it was skinned. 20

Q: Apart from that, have you seen any other leopard being skinned? A: I have seen leopard skins in taxidermist's. I went to see through curiosity's sake.

With regard to leopard skins, I am not an expert. I know whether a skin is fresh or otherwise. I do not have special training with regard to leopard skins. I know whether a leopard skin is that of a recently killed leopard or otherwise as a layman, from my observations. I have no specialized training in that. 30

Shown P3.

Q: Are you in a position to say the age of this skin? A: No, I am not. There are blood patches on this.

Q: Did you make any entry in the information Book with regard to the particulars of the various skins you took? A: Yes. 40

Q: What are the particulars you gave? A: I said I have taken charge of two large skins of leopards, 6 stuffed heads, etc.

Q: Any other particulars that you entered?
A: I said that they all appeared to be skins of recently killed leopards. I said there were blood patches, if I remember correctly.

Q: Look at you book? A: I have also said substance like oil oozing out.

10 Q: I put it to you, you did not make any notes about blood patches in that book? A: I said there was clotted blood or something to that effect.

I maintain that I made entries with regard to blood patches in the information book.

(Witness is asked to refresh his memory after referring to the information book).

20 It is stated "I find these skins to be blood stained and fat oozing and that they appear to be fresh."
Shown P6 and P6A.

Q: Do you know the age of these skins? A: I cannot speak to the age.

Q: Neither can you give the age of any of the other skins? A: I cannot give you age of any of the other skins.

30 I found blood patches. There is no provision to send skins to the Government Analyst. I did not bring the skins to Court and send them to the Government Analyst through Court. I took them to the Director of National Museums. I thought that I had the right to take them direct.

Q: Why didn't you bring the skins to Court and ask that the skins be sent to the Government Analyst for examination and report whether there is blood? A: The analyst cannot give a report on that. I am aware of that fact.

Q: Can the analyst give a report whether blood was found or not? A: There may be a possibility.

In the
Magistrate's
Court

Prosecution
Evidence

No.3

D.H.Wanasinghe

Cross-
examination

12th July 1969

(continued)

In the
Magistrate's
Court

Prosecution
Evidence

No. 3

D.H. Wanasinghe

Cross-
examination

12th July 1969

(continued)

Q: Why didn't you bring the skins to Court and ask for Court orders that the production be sent to an analyst? A: According to the provisions of the Fauna and Flora Protection ordinance, I have to get a certificate from the Director of National Museums.

Q: Even thereafter, why did you not produce the skins in Court and send them to the Government Analyst for a report? A: I had the evidence of Mr. Packeer, the warden of the wild life Department and I thought it was not necessary. 10

Q: Do you know the way in which leopard skins are preserved? A: I do not know.

Q: Do you know what chemicals are used?
A: I do not know what chemicals are used to protect the skins from insects.

The accused has sent a petition to the Inspector General of Police. I am aware of it.

Q: It was sent on the 14th of April, 1969?
A: I am not aware of that. 20

Q: And that petition that was sent to the I.G.P. stated that you were all drunk and not in uniform? A: I am not aware.

I have a recollection of seeing the petition but I cannot recollect the contents of it.

Q: Was that petition against you? A: No. That was a petition against one of the constables I do not think it was against all the police officers who took part in the raid.

I think a copy of that letter is filed in my file. The one received by the I.G.P. is here in the file. There are other minutes made by senior officers on it. I am not summoned to produce this either. Now I saw I do not know whether this is the original copy sent to the I.G.P. or one sent to some other officer. The signature of the accused is there on this. 30

Q: You have read the petition? A: I would have read it.

Q: One of the allegations was that none of you 40

were in uniform and that you were drunk? A: I cannot remember whether those two allegations were there.

Q: You do not know whether it contained an allegation that you were drunk? A: I cannot remember.

Q: And that you behaved in an indecent manner. You do not remember that?

10 A: There was no allegation against me in that manner.

Q: You behaved as a rowdy in that house? A: I do not remember whether there was such an allegation.

Q: And furthermore, there was an allegation that none of you were in uniform? A: I have not read the original petition. I have read the copy which is in my file, but cannot recollect the contents.

20 As far as I remember there was an allegation against a constable who took part in the raid. There was no allegation against me. The petition had been sent long after the raid. (Mr. Nadasan marks a copy of the petition as D1) (The original of this petition, signed by the accused and addressed to the I.G.P. is with the witness, in the file. In view of this, I admit this document.) It is addressed to the I.G.P. The date appearing is 8th April. In the Petition it appears as 8th of March.

30 Q: Now do you remember that on the 14th of April this accused made serious allegations against the conduct of yourself and the group of others who went to his house? A: On the face of the petition, yes.

Q: Were you annoyed when you read D1? A: I was not annoyed.

Q: Were you angry with the accused when you read this petition? A: No.

Q: Are these allegations true? A: They are false. Accused persons always bring this type

In the
Magistrate's
Court

Prosecution
Evidence

No.3

D.H.Wanasinghe

Cross-
examination

12th July 1969

(continued)

In the
Magistrate's
Court

Prosecution
Evidence

No.3

D.H.Wanasinghe

Cross-
examination

12th July 1969

(continued)

of allegations.

Q: Did you or any of your officers on this day eat biscuits or maldive fish in the accused's house?

A: No.

Q: It is very amusing? A: Because it is false.

Q: When did you contact the Director of National Museums? A: On the 18th. On the 10th I went there, but he was on leave. He was expected on the 18th. I went on the 18th.

I think I wanted the accused to appear at the police station. I cannot remember the actual date on which I asked him to appear. 10

Q: Is it correct that you asked him to come on the 10th? A: I think I wanted him to come on the 11th.

Q: Under what provision of the law did you take the accused on the 8th to the police station? A: I asked for a statement from the accused. The accused said he wanted to consult his lawyer. He rang up the lawyer from his bungalow. The accused followed in another car to the police station and at the station he consulted his lawyer. I did not arrest the accused. I did not ask him to come to the police station on that day. The accused voluntarily, on his own went to the police station. I wanted a statement from him. He said he will consult his lawyers and make a statement. 20

Q: Under what provision of the law did you ask for a statement? A: I called for a statement. I thought I had the right. 30

PS Gunasekera is my witness and Mr. Packeer is the expert that I am calling. He is the Deputy warden of the Department of Wild life and he is an authority on the subject.

Re-examination

REXND

The accused made a statement having consulted his lawyers at the police station and left with the lawyer. 40

No. 4
G.G. Gunasekera

In the
Magistrate's
Court

P.S.4291 G.G.Gunasekera, Affd. Presently of
Maharagama Police.

Prosecution
Evidence

No.4

G.G.Gunasekera
Examination
12th July 1969

10 On 8.4.69 I was attached to the Gampaha Police station. I accompanied the last witness to the house of the accused. We reached the house of the accused at about 2 p.m. The last witness, my self and four others went there. Some officers were in uniform. Some were in plain clothes. The last witness was in uniform. I went in plain clothes. I had my tunic on.

Q: The question is, were you in plain clothes?
A: I was in plain clothes.

20 I entered the house of the accused with the last witness. The last witness entered the house along with me. The rest of the officers surrounded the house. The house was searched, having explained the purpose for which we came. We said that we received information that dangerous drugs and some leopard skins were in his house. The accused was present throughout. We searched the house in his presence. The accused did not object to our searching the house. He was present and he allowed us. We did not find opium or dangerous drugs. In the second room, there was a box containing 6 stuffed heads of leopards. The box was under a table. On the right side corner there was a gunny bag. It contained leopard skins. There were two skins rolled up and kept on the gunny shown the productions P2 to P6. These were the productions traced from the house of the accused. Having explained the charge, they were taken as productions. These skins were fresh at that time. That was my opinion at the time. I am not an expert. There were blood patches, and some oil had been applied on them and dirt thrown on the skins. All these skins were taken charge by the last witness as productions. The accused's statement was recorded at the police station. He was not arrested. He was questioned. He said he is unable to make a statement without consulting his lawyer. He immediately telephoned his lawyer in Colombo and the accused said he will come to the police station later and make a statement. He came to the police station with the lawyer and

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In the
Magistrate's
Court

Prosecution
Evidence

No.4

G.G.Gunasekera
Examination
12th July 1969
(continued)

Cross-
examination

made a statement and left with the lawyer. Possession of fresh skins of leopard is an offence. I am unable to say whether Makewita area comes under the area of a Sanctuary or not.

XXD.

I do not know how leopard skins are preserved or what chemicals are applied. I am not an expert in identifying blood. I do not know whether the dirt I saw was dirt or chemicals. The search went on for about an hour. We searched other places in the house. A large crowd collected outside the house. I did not see anybody taking anything from the house, even a drop of water. Subsequently I came to know that a petition had been sent by the accused against officers who conducted this raid. I saw the last witness making a report on a petition sent. I did not read the petition. I was not in uniform. Some were in uniform and some were not. I have never given evidence with regard to the detection of leopard skins earlier.

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Re-examination

REXND

As a layman, I can identify blood. They are stains like blood.

No.5

A.S.A.Packeer
Examination
12th July 1969

No. 5

A.S.A.Packeer

A.S.A.Packeer, Affirmed, Deputy Warden
Department of Wild Life, Colombo.

On the 18th of April 1969 Inspector Wanasinghe came with three packages. In the first package there were 6 mounted leopard heads. In the second package there were 7 skins of leopard heads and 8 skins of leopard legs, 3 pieces of leopard skins. On the third package there were two large leopard skins. Shown P2 to P6. These are the productions examined. The packages were sealed packages at the time they were brought to me. I did not seal them

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after examination. I was only present at the time of examination and inspection. The Director of National Museums, examined the articles. It was the Director who issued the report. I examined the skins myself along with the Director of National Museums. I have had the training in the examination of these skins. I am a bachelor of science-Zoology, Botany and Chemistry. That is the only qualification that I have had. At the time of my examination, the skins were fresh. In my opinion, with the experience that I have had, I could say that the skins of these leopards are fresh, because the fur on the skins was very soft and lustrous. On the inner surface of the skins there was an oily consistency and patches of fresh blood and there were pieces of flesh sticking. At the time of my examination the skins were pliable. I observed that they were fresh skins. Makevita does not come within the area declared as National Reserve or Sanctuary.

In the
Magistrate's
Court

Prosecution
Evidence

No.5

A.S.A.Packeer
Examination
12th July 1969
(continued)

10

20 XXD:

Cross-
examination

Q: Somewhere last year, you remember going to the Colombo swimming club?

A: Yes. I seized three leopard skins there. I took them to the police station. They appeared to be fresh to me. They appeared to me to have blood stains. They also had the oily consistency. They appeared to be shining on the outer surface. A prosecution was instituted in the Magistrate's Court of Colombo. Crown Counsel appeared for the Crown. I gave evidence. In that case too, I said the skins were fresh. I graduated at the Ceylon University. In 1946 I got my Degree and two years later I joined the Wild Life Department. I am now 21 years in the Wild Life Department. Now I am staying in Colombo. I have had at no time had any special training with regard to ascertaining the ages of skins. I do not have technical knowledge to give the age of any one of these skins produced in Court.

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Q: Very often the Department of Wild Life conducts auctions in respect of these skins leopard skins and other skins? A: Very rarely.

Once in 2 or 3 years as far as I am aware. One of the staff officers conducts the auction. Sometimes the Warden himself authorises an auction sale and sometimes the officers do it.

In the
Magistrate's
Court

Prosecution
Evidence

No.5

A.S.A.Packeer

Cross-
examination

12th July 1969

(continued)

Q: Do you know what way people who are taxidermists, traders in these leopard skins, keep these things in a polished state? A: I do not think they use any chemicals to keep the skins in a glossy state.

Q: Have you made inquiries to find out whether they polish? A: I am sure that they do not polish. I have made inquiries from various Taxidermists in Colombo, in the course of my inspections, for the purpose of gaining knowledge. I learnt from them that they do not polish. I do not know whether somebody else has a secret of polishing these. I have generally read books regarding taxidermy. I have not read about leopard skins. 10

Q: In the course of your evidence in case No.39380 M.C.Colombo you stated that there was an auction sale somewhere on the 28th of April 68?

A: I think so, but I cannot remember. I think there was an auction sale somewhere on the 28th of April 1968. I learnt that there was an auction sale in the department of wild life. I cannot remember whether the auction was after the 28th of April, 68. Long time ago, there was an auction sale. I cannot now remember the evidence I gave in the case instituted in the Magistrate's Court of Colombo. 20

Q: Do you know that there was an auction sale of leopard skins in the department on the 9th of September 1967?

A: I cannot remember the exact date. I do not know whether the accused purchased a large number of leopard skins at that sale. 30

Shown D2 dated 9th September 1967. This is a receipt issued by my department to Muttar. It is stated therein that he had purchased 12 leopard skins for Rs.2772. The accused had a taxidermist's licence, but from what year he had the licence, I do not know. In 1967, after the purchase on D2., his licence was not renewed. An unlicensed person cannot deal in leopard skins. At the time when his licence was not renewed, what stocks of leopard skins he had, I do not know. I know that the accused got a special permit from the Government to export skins. That was about 8 or 9 years ago. I cannot remember whether it was in 1963. 40

Q: You are unable to give details with regard to auction sales by the department? A: No. I know auction sales take place periodically with regard to leopard skins.

In the
Magistrate's
Court

Prosecution
Evidence

No.5

A.S.A.Packeer

Cross-
examination

12th July 1969

(continued)

P2 to P6 are not tanned skins. I have a general knowledge about tanning but I do not have a particular knowledge. Even with regard to the drying of skins, I do not have a specialized knowledge. As to the age of skins also I cannot say.

10 Q: When animals die of natural causes, what happens to the skins? A: We leave the carcass in the jungle and do not touch them. I cannot say whether anybody else come into contact with them.

Re-examination

REXND.

Many years ago I was present on one occasion when an auction sale of skins took place. On that occasion I conducted the sale.

TO COURT

To Court

20 Q: What is the type of leopard skin that is sold?

A: Generally very old skins sent in Court cases are sold. Fresh skins are not sold at auctions. From my experience, I can differentiate a fresh skin from an old one.

No. 6

Proceedings

No.6

Proceedings

12th July 1969

Prosecution case closed leading in evidence P1 to P6.

I call upon the accused for his defence.

30 Mr. Nadesan states he is not calling any evidence. He marks in evidence D1 and D2 and closes his case.

He addresses Court. The prosecution has to prove among other things, that the skin is from a leopard killed recently, and not died of natural causes or otherwise. No expert evidence has been called in this case.

Call 17.7.69 for documents.

Sgd.W.P.N.de Silva
Magistrate. 12.7.69.

In the
Magistrate's
Court

No. 7
Order

No. 7
Order

32878/A

22.7.69

22nd July 1969

O R D E R

In this case the accused I. Mohammed Mukthar of Makawita is charged with having on 8th of April, 1969, been in possession or under his control at Makawita, Gampaha, which is an area outside a National Reserve or Sanctuary two leopard skins, seven skins of leopard heads, eight skins of leopard legs, three pieces of leopard skins and six mounted leopard heads, which are skins of recently killed leopards in contravention of Section 31(1) (d) of the Fauna and Flora Protection Ordinance. 10

According to the prosecution evidence it appears that Inspector Wanasinghe of the Gampaha Police on receipt of certain information regarding possession of ganja (Cannabis Sativa L) had on 8.4.1969 proceeded to the house of the accused with several other police constables and had searched the house. He had acted in terms of Section 77(2) of the Dangerous Drugs Ordinance in entering that house without a warrant. At the time of his search for ganja the Inspector had seen a collection of leopard skins inside a room under a table. As it was an offence to possess skins of leopards that are recently killed the Inspector had taken charge of the following productions: 20

(1) A box containing 6 stuffed leopard heads P3, P3A to P3F, 30

(2) A gunny bag containing 7 skins of heads of leopards P4, P4A, to P4G;

(3) Eight skins of leopard legs P5, P5A and P5B and

(4) Two large leopard skins P6 to P6A.

This officer stated that the skins which he took charge of had patches like blood on them on the inner surface and that the skin was oily and therefore they had appeared to be skins of leopards that had been recently killed. 40

On 18.4.1969 the inspector had produced these skins before the Director of National Museums and had obtained a certificate which has been produced marked P1. At the time these skins were examined by the Director of National Museums, witness Packeer who is the Deputy Warden of the Wild Life Department had been present and he too had examined the skins and made a statement to the police.

In the
Magistrate's
Court

No. 7
Order
22nd July 1969

10 The Inspector who in his experience had seen leopards being skinned and also leopard skins in Taxidermists' shop said that he was in a position to state whether a leopard skin is that of a recently killed leopard or not. He appears to have made a note at the time he made this detection that the skins were blood stained, that fat was oozing and that they appeared to be fresh. However, he admitted that he could not specify the exact age of the skins recovered.

(continued)

20 The evidence of Inspector Wanasinghe has been confirmed by Police Sergeant Gunasekera who had accompanied the Inspector on this raid, in regard to the fact that they entered the house of the accused on information regarding possession of ganja and that in the course of the search they recovered the leopard skins. He too expressed the view that although he could not state the exact age of the leopard skins they appeared to him to be fresh skins because there were blood patches and that the inner surface was oily. Although the Director of
30 National Museums who had issued the certificate P1 was not called to give evidence, expert evidence was sought to be given through A.C.Packeer Deputy Warden of the Department of Wild Life. This witness stated that on 18.4.1969 Inspector Wanasinghe brought 3 sealed packages containing the productions in this case and that he too examined them at the time the Director of National Museums examined the articles. This witness also expressed the opinion that at the
40 time of his examination the leopard skins were fresh because the fur on the skins was very soft and lustrous. He had also observed that the inner surface of the skins contained an oil consistency and patches of fresh blood while pieces of flesh had been sticking and the skins themselves had been pliable.

The accused on his part did not give evidence or call any witnesses. However, Counsel appearing for

In the
Magistrate's
Court

No. 7

Order

22nd July 1969

(continued)

the accused marked the document D1 which is a petition sent to the I.G.P. by the accused and D2 a receipt on which the accused had brought 12 leopard skins at an auction on 9.9.67. Defence Counsel contended that the charge against the accused must fail as it has not been proved.

On a consideration of the evidence led, I am convinced that the police party had recovered from the house of the accused the skins of leopard skins produced in this case. It has been proved that these Productions are skins of leopards which are beasts specified in schedule IV of the Fauna and Flora protection Ordinance. The Certificate P1 of the Director of National Museums confirms the fact that those skins are skins of leopards. It is also an undisputed fact that the accused's house from which the skins were recovered is situate in a place which is outside an area declared to be a National Reserve or Sanctuary. It has also been proved that these skins were in the possession of the accused and this fact has not been challenged.

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The other question for consideration is whether these skins are skins of leopards recently killed or taken as contemplated in Section 31 (1) (d) of the Fauna and Flora Protection Ordinance. The large number of leopard skins produced indicates that these skins had been obtained from at least 13 leopards as there are 6 stuffed heads and 7 separate skins of leopard heads. It is difficult to presume that the accused or his Agents or whoever person that sold them to him, if in fact they were sold, had collected all these skins from leopards that had died of natural causes. The evidence further establishes that at the time of the detection as well as at the time of the examination the skins were fresh with blood patches and flesh sticking to them and were oily on the inner surface while the fur was found to be soft and lustrous and the skins themselves had been pliable. On these facts one has to presume that those are not old skins but skins obtained from recently killed leopards. In fact the certificate P1 sets out that these leopard skins appear to have been collected recently." It may be observed that Defence Counsel contended that this statement in the Certificate should not be accepted as that is not a matter which have been set out in the Certificate under Section 35 of the Fauna and Flora Protection

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40

ordinance. Nevertheless, I think it is permissible to consider this item of evidence along with the other evidence on this question of whether the skins were those of leopards recently killed or taken. There is however no evidence and I think it would be difficult to establish by an examination of the skins. The precise date on which the animals had been killed. Defence Counsel submitted that the accused had been dealing with leopard skins sometime earlier and in fact had a licence to export leopard skins, although that licence had been cancelled sometime ago. It was also submitted that the accused had purchased 12 leopard skins at an auction by the wild life Department on 9.9.67 as evidenced by the receipt D2. On the other hand, Deputy Warden Packeer stated that the department of Wild life conducted auctions quite rarely and at those sales the articles that are sold are old skins and not fresh ones. He said "fresh skins are not sold at auctions".

In the
Magistrate's
Court

No. 7

Order

22nd July 1969

(continued)

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Counsel appearing for the accused further argued that it is difficult to define the term "recently killed". The word "recent" has been used in statutes quite often and Courts have interpreted this term in relation to other matters such as "recent possession". Thus, it has been held that possession of cattle 8 months after the theft would be recent possession, but not where a period of 2 years had elapsed. I think that this term has to be interpreted taking into consideration various circumstances such as the type of the animal killed. Accordingly a leopard that has been killed more than a year ago may not be treated as an animal recently killed, but if the killing had taken place within a few months, I think, it would be reasonable to infer that it had been recently killed. From the description given of the leopard skins by the Deputy Warden and the observations made by the two police officers along with the Certificate P1 I do not doubt that the skins produced in this case are skins of leopard that had been recently killed.

I cannot possibly accept the evidence that the productions are skins purchased by the accused on the receipt D2 in September 1967 nor would such skins have been pliable or lustrous or have a freshness or fresh patches of blood and flesh sticking to them. If the accused was an exporter of leopard skins and whose licence has not been renewed for the last 8 or 9 years, or if he was otherwise a dealer in leopard

In the
Magistrate's
Court

No. 7

Order

22nd July 1969

(continued)

skins and had purchased these skins for the last time, as it may be presumed, in September 1967, it is difficult to understand why he kept such a large number of skins with him until April, 1969. This defence however was only a suggestion made by the Defence Counsel through the prosecution witnesses, as the accused elected not to lead any evidence.

I am convinced with the prosecution case and I hold that the prosecution has proved the charge against the accused beyond reasonable doubt.

10

Sgd. W.P.N. Silva.

Magistrate

22.7.69

In the
Supreme Court

No. 8

Petition of
Appeal

29th July 1969

No. 8

Petition of Appeal

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

Case No.
M.C.Gampaha
No. 32878/A

D.H.Wanasinghe, Inspector of Police,
Police Station, Gampaha

Complainant

20

vs

I.M.Mucktar, Makewita, Jaela.

Accused.

I.M.Mucktar, Makewita, Jaela.

Accused-
Appellant

vs

D.H.Wanasinghe, Inspector of Police
Police Station, Gampaha.

Complainant-
Respondent.

30

To His Lordship the Chief Justice and the other
Judges of the Supreme Court of the Island of Ceylon.

This 29th day of July 1969.

The petition of appeal of the Accused-Appellant

states as follows:-

1. On a report made by the complainant-Respondent abovenamed under Section 148 (1) (b) of the Criminal Procedure Code the accused appellant was charged in the Magistrate's Court of Gampaha in Case No. 32878, as follows:-

10 "You did within the jurisdiction of this Court, at Makewita on 8th April 1969, in any area outside a national reserve or sanctuary, have in your possession or under your control, skins of beast included in schedule IV to wit:- Two skins of leopards; seven skins of heads of leopards; eight skins of legs of leopards; three pieces of leopard skins and six mounted heads of leopards, all skins which were those of recently killed leopards, in contravention of section 31,1(d) of the Fauna and Flora Protection Ordinance, Chapter 469 L.E.C. as amended by Fauna and Flora Protection (Amendment) Act No. 44 of 1964 and thereby committed an offence 20 punishable under section 31 of the said Ordinance read with the said (amendment) Act."

2. To this charge the Accused-Appellant pleads "not guilty" and the case went to trial on 12.7.69, the learned Magistrate after calling the case on 17.6.69, reserved his order for 22.7.69.

3. On 22.7.69 the Magistrate delivered his order finding the Accused-Appellant guilty and convicted him and sentenced him to pay a fine of Rs.200/-.

30 4. Being aggrieved by the said conviction and sentence the Accused-Appellant, appeals to Your Lordships' Court on the following among other grounds that may be urged at the hearing of this appeal.

(i) The said judgment is contrary to law and against the weight of evidence.

(ii) The prosecution has failed to prove an essential ingredient of the offence namely that the skins were that of leopard "recently killed".

40 (iii) The witnesses D.H.Wanasinghe and A.S.Packeer who gave evidence for the prosecution were not experts and their opinion evidence could not have been acted upon by the learned Magistrate.

In the
Supreme Court

No.8

Petition of
Appeal

29th July 1969

(continued)

In the
Supreme Court

No.8

Petition of
Appeal

29th July 1969

(continued)

(iv) The learned Magistrate has completely failed to evaluate correctly the evidence led in the case.

(v) The Certificate produced by the prosecution from the Director of National Museums is inadmissible to prove that the skins were that of leopard "recently killed".

WHEREFORE the Accused Appellant prays that Your Lordships' Court be pleased to -

(a) set aside the conviction and sentence and make order acquitting and discharging the Accused-Appellant.

10

(b) for such other and further relief as to Your Lordships' Court shall seem meet.

Sgd. I.M.Mukthar

Accused appellant.

The accused appellant placed his signature in my presence.

A.A.L.Gunaratne

Sgd. Proctor. S.C.,

Filed on 29th July 1969 at 3.35 p.m.

20

Sgd. K. Senanayake.

Act. C.C.

No. 9
Judgment

In the
Supreme Court

S.C.689/'69

M.C.Gampaha case No. 32878/A.

Idroos Mohammed Mukthar of Makewita,
Gampaha. Accused-Appellant

vs.

Inspector of Police,
Gampaha

Complainant-Respondent

No.9

Judgment

2nd January
1970

Before: Alles, J.

Counsel: S.Nadesan, Q.C., with V.E.Selvarajah for the
accused-appellant.

10 (L.S.) Shibly Aziz, Crown Counsel, for the
Attorney-General.

Argued on: 17th and 18th December, 1969.

Decided on: 2nd January 1970.

Alles, J.

20 On a raid organised by a Police party consisting of Sub-Inspector Wanasinghe, Sergeant Gunasekera and other Police officers, the Police party discovered, in a box hidden under a table in the house of the appellant, six stuffed heads of leopards. In a corner of the same room, Sub-Inspector Wanasinghe found a gunny bag containing seven skins of leopard heads, eight skins of leopards legs, three other pieces of leopard skins and two large skins of leopards.

30 I agree with the learned Magistrate that the six stuffed heads of leopards and seven separate skins of leopards heads could indicate that the appellant had in his possession skins obtained from at least thirteen leopards. Under Section 35 of the Fauna and Flora Protection Ordinance (Cap.469) the Director of National Museums has certified that these productions are skins of leopards, a species of fauna which is protected under the Ordinance. This certificate is conclusive on the issue that these productions were leopard skins.

40 On the discovery of these skins, the appellant was charged in this case with having in his possession or under his control, these productions, which were skins of recently killed leopards in contravention of Section 31 (1) (d) of the Ordinance, thereby committing an offence punishable under Section 31 of

In the
Supreme Court

No.9

Judgment

2nd January
1970

(continued)

the same Ordinance. After trial, he was convicted and sentenced to pay a fine of Rs. 200/-, in default three weeks' rigorous imprisonment.

The learned Magistrate has accepted the evidence of the Police officers regarding the circumstances under which the leopard skins were discovered in the house of the accused and I see no reason to interfere with the Magistrate's finding on this issue. The chief matter argued before me by Mr. Nadesan was that the evidence did not establish that the leopard skins were skins of recently killed leopards. To establish this, the burden in terms of the law lay clearly on the prosecution.

10

The prosecution relied on the evidence of Sub-Inspector Wanasinghe, Sergeant Gunasekera and Packeer, the Warden of the Wild Life Department to establish this fact. The certificate P1 states "that the skins appeared to have been collected recently" but I agree with Counsel that this evidence is inadmissible in view of Section 35 which only confines the finality of the certificate to the species of the fauna. Therefore the only evidence on this issue is the evidence of the Police officers and Packeer.

20

Wanasinghe admitted that he was not an expert on the evidence of a leopard skin but stated that as a layman, he could testify whether it was one of a leopard killed recently or not. He said that the "skins were bloodstained and fat was oozing and they appeared to be fresh". He described the bloodstains as blood patches. Gunasekera said the skins were fresh and that "there were blood patches and some oil had been applied on them and dirt thrown on the skins". On this evidence it is not clear how old the patches of blood were. Fresh blood is a comparative term and it is not possible from an observation of this kind to testify whether the skins were that of recently killed animals.

30

Packeer's evidence however is of a more definite nature. He is a Bachelor of Science of the University of Ceylon, having passed in Zoology as one of his subjects and had been a member of the Wild Life Department for 21 years. He said he had a training in the examination of skins and that the skins in this case appeared to be fresh, because the fur on the skins was very soft and

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lustrous. On the inner surface of the skin he said that there was an oily consistency and patches of fresh blood and pieces of flesh were sticking. The skin was pliable. He was however unable to give the age of the skins and Counsel submitted that the Government Analyst would have been in a better position to give expert evidence in regard to the freshness of mammalian blood and that such evidence could be of greater assistance in determining the age of the skins. I am inclined to agree, but even assuming that Packeer's evidence can be accepted that the skins examined by him were skins of recently dead leopards can it be said that the skins were of recently killed leopards?

10

In the
Supreme Court

No.9

Judgment

2nd January
1970

(continued)

The legislature has chosen to cast the burden upon the prosecution to establish that the animals were recently killed. One is aware of penal statutes where the burden of proving a fact - invariably a matter within the knowledge of the accused - is cast upon an accused person who has to satisfy Court that he has come into possession of the incriminating article by innocent means. For instance, if instruments of gaming are found in any place entered under the Gaming Ordinance, it shall be presumed, until the contrary is proved, that that place is used as a common gaming place and that the occupier is using it as such. If a person is found in recent possession of stolen property it is presumed that he is either the thief or a receiver of stolen property. Under the Rubber Thefts Ordinance, (now repealed) any person found in possession of rubber suspected to have been stolen could have been charged with possession of stolen rubber unless he was able to give an account satisfactorily to Court as to how he came to be in possession of the rubber.

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It is as a result of the difficulty of proving a negative fact that in such a case the burden is cast on the accused to give an explanation as to how he came by the articles. But in a prosecution under Section 31 (1) (d) of the Fauna and Flora Protection Ordinance, the legislature has cast the almost impossible burden of proving that the skins were that of recently killed animals, on the prosecution. The killing of an animal contemplates its destruction by means other than natural causes and therefore such evidence must be placed before the Court. Even assuming that the leopard skins discovered in this case are skins of recently dead leopards, it has not

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In the
Supreme Court

No.9

Judgment

2nd January
1970

(continued)

been established that they are skins of recently killed animals and for that reason the accused in this case is entitled to an acquittal on the charge.

Section 31 (1)(d) makes it an offence for a person to have in his possession, inter alia, the skin of a beast recently killed or taken but in this case the prosecution has deliberately chosen to charge him with being in possession of skins of recently killed animals. I express no opinion as to whether on a charge of being in possession of skins of leopards recently taken the appellant could have been found guilty. 10

I am however satisfied that the appellant has not obtained these productions by innocent means. I therefore direct that all the productions be confiscated and handed over to the Wild Life Department for disposal.

If the fine of Rs. 200/- has been paid by the appellant, it should be returned to him.

Sgd. A.C.Alles

20

PUISNE JUSTICE

No. 10
Order granting Special Leave to Appeal to Her
Majesty in Council

In the
Privy Council

No.10

Order granting
Special Leave to
Appeal to Her
Majesty in
Council

28th April 1970

AT THE COURT OF SAINT JAMES

The 28th day of April 1970

PRESENT

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER
HIS ROYAL HIGHNESS THE PRINCE CHARLES,
PRINCE OF WALES

10	LORD PRESIDENT	SIR ELWYN JONES
	LORD BROWN	MR. HUGHES

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of February 1970, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester and His Royal Highness Prince William of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

30 AND WHEREAS Her Majesty was further pleased to except from the number of the said Councillors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness, The Princess Margaret, Countess of Snowdon, and His Royal Highness Prince William of Gloucester while absent from the United Kingdom:

40 AND WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 23rd day of April 1970 in the words following viz.:-

In the
Privy Council

No. 10

Order granting
Special Leave to
Appeal to Her
Majesty in
Council

28th April 1970

(continued)

"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 Idroos Mohammed Mucktar in the matter of an Appeal from the Supreme Court of Ceylon between the Petitioner and D. H. Wanasinghe Inspector of Police Gampaha Respondent setting forth that the Petitioner prays for special leave to appeal from an Order of the Supreme Court of Ceylon dated the 2nd January 1970 ordering the confiscation of productions: that the Petitioner was charged in the Magistrate's Court of Gampaha with an offence under Section 31 (i) (d) of the Fauna and Flora Protection Ordinance Chapter 469 and was convicted and sentenced to a fine of Rs.200/-: that the Petitioner appealed to the Supreme Court of Ceylon: that his conviction and sentence were set aside and he was acquitted of the charge: And humbly praying Your Majesty in Council to grant him special leave to appeal from the said Order of the Supreme Court of Ceylon dated the 2nd January 1970 or for further or other relief:

"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 no one appearing at the Bar 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 Order of the Supreme Court of Ceylon dated the 2nd January 1970:

"AND Their Lordships do further report to Your Majesty that the authenticated copy of the Record produced by the Petitioner upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Respondent) as the Record proper to be laid before Your Majesty on the hearing of the Appeal."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, have taken the said

Report into consideration, and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf approve thereof and order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

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

N. E. LEIGH

In the
Privy Council

No. 10

Order granting
Special Leave to
Appeal to Her
Majesty in
Council

28th April 1970

(continued)

Exhibits

E X H I B I T S

D. 2

Exhibit D2. Receipt

Receipt

9th September
1967

Licence No. 527/45 of 7.1.67.

G.A.Colombo.

Original

L/16 949099

Date 9.9.1967

Cash Receipt

Received From: Mr. I.M.Mukthar of Makewita,
Jaela.

10

Received: The sum of Rupees Two thousand
seven hundred and seventy two
only.

Reason: Auction sale of twelve leopard
skins on 9.9.1967.

Rs. 2772/=

Sgd. Illegibly

Signature and Designation.

Exhibit D1. Petition to Inspector General
of Police

Exhibits

D. 1

I.M.Mukthar,
Makewita, Ja-Ela.

Petition to
Inspector
General of
Police

The Inspector General of Police,
Police Head Quarters,
Colombo.

14th April 1969

10 Subject: Requesting for an inquiry
 regarding the shameful behaviour and
 the shameful action done to me and to
 the members of my family by some police
 officers under the pretext of carrying
 out lawful duties.

Honoured Sir,

20 I, a resident of the above address was reading
 a paper seated in the hall of my house at about 2
 p.m. on 8.3.69. On hearing the foot steps of a
 person running round my house I raised my head and
 looked in that direction. I saw a young person and
 an elderly well built person entering a room of my
 house. Two others ran into the inner room of my
 house at the same time. I then inquired from them
 as to who they were. They replying that they were
 from the Gampaha Police Station entered and searched
 all the secured as well as unsecured places without
 allowing me to speak a word. They said that they
 have information to the effect that there was Ganja
 and Opium in my possession. I replied that I am
 not in possession of any. Then one of them
30 replied that they will leave my house only after
 dancing inside after arresting me with the Ganja and
 Opium.

40 I have to state with regret that these officers
 behaved inside my house in a very indecent manner.
 When I answered certain questions put to me they
 retorted saying "Whether it was day time or whether
 it was standing or Sleeping" Therefore I say that
 they are no Police Officers but a set of roudies.
 I believe that all these persons were after liquor.
 One of them had a ten inch long Kris Knife while the
 rest were armed with clubs of 3 to 4 feet in length.
 When I questioned the officer who had the Kris Knife
 as to what the Kris Knife was for he replied that it

Exhibits

D. 1

Petition to
Inspector of
General of
Police
14th April 1969

(continued)

was for the purpose of stabbing me in case of resistance. None of these Officers were in their Uniforms.

While searching inside the house they consumed the biscuits that were in a tin on a table inside a room, and some Maladive fish that were in a safe. There behaviour is a disgrace to the entire Police Force and I doubt whether in fact they were Police Officers. None of them produced any identity cards or so to that effect, nor did they come with the Grama Sewaka or any other officer known to me. 10

They searched the almirahs, iron safe and other secured and unsecured place inside the house as well as in my business premises and the other garden.

While they were searching they took into their custody 7 skins of heads of leopard, two large skins 3 other small skins, 8 skins of legs all of leopard which were brought by me at an Auction Sale held by the Department of Wild Life. They also took into their custody 6 stuffed heads of Leopards. I informed these Officers that it is useless taking these articles with them as they had been bought at an auction sale of the Department of Wild Life. At this time the officer with the knife stated again "whether it was daytime or whether it was standing or sleeping" and humiliated me. 20

These officers disgraced me and the members of my family by searching the house in the presence of a large number of villagers. I was taken to the police station as a dangerous criminal. One of the officers showed one of the stuffed heads to the people present around me house stating that ganja and opium are inside these heads. They disgraced and humiliated me and the members of my family without any consideration for my self respect. 30

Finally I was brought to the Police Station along with these articles and the officer who had the kris knife taking one of the stuffed heads stated that he must examine it and see whether there is ganja and opium inside it. So saying he cut it open while it was in the box. I objected and there was a heated argument between both of us as a result. My eldest son I.M.Ananda and one Mr. Clarence de Alwis a friend of mine were witnesses to this incident amongst others. Even though my lawyer was present 40

he was engaged in conversation with the police officers and as such he did not see the incident.

Exhibits

D. 1

Petition to
Inspector
General of
Police

14th April 1969

(continued)

10 Even though a short statement was recorded from me, my signature was not obtained to any of the articles brought by the police nor was I bailed out to appear, but I was asked to come to the Police station on 10.3.69 at about 8.30 a.m. While my statement was being recorded Mr. Alwis who was present asked him as to why the Grama Sevaka was not present. He too was chased out saying "get out", Get out". As instructed the earlier day, I went at about 8.30 a.m. on the 10th along with my lawyer together with the receipt on which I purchased the leopard skins from the Department of Wild Life. There I was informed that the officer who took charge of the skins had gone to Trincomalee and requested me to come on the 11th stating that the officer would be back by then. I went on this too with my Lawyer. The officer in charge was present. He examined the receipt and made some notes. He further told us that the skins will be taken to the Museum for further examination. Thereafter we returned.

30 Honoured Sir, I am a person who leads a decent life and lives with self respect in this village. I am a person who pays the largest sum as Income Tax in this village. The D.R.O. and the Grama Sevaka will testify for the good work I had done for the welfare of the village. It is I who treated the flood victims for some time with meals etc. in the year 1967, and I have a certificate received from the Govt. Agent Colombo as a gratitude. I am one of those persons who treated the people who participated in the Shramadana Campaign and the Food Drive Campaign in my village. My children are also the same.

40 My eldest daughter is an under graduate at the Vidyodaya University. My two other daughters are studying at the Buddhist Ladies College Colombo while my eldest son is studying at the Alexandra College Colombo. My younger children are being educated at the Vidyakara Vidyalaya at Mabima. My wife and nine children are dependent on me. It is with great pain and with great regret that I mention that at a time where the co-operation of the Public and the police are sought that I be treated by the Police in this manner.

Exhibits

D. 1

Petition to
Inspector
General of
Police

14th April 1969

(continued)

Therefore I request that an inquiry be held regarding this incident that brought humiliation and disgrace to me and the members of my family at your earliest convenience.

Person seeking the co-operation
of the Police and the Public,

Sgd. I. M. Mukthar

14.4.1969

P. 1

Report of
Director of
National
Museums.

18th April 1969

Exhibit Pl. Report of Director of National
Museums.

10

Director: Dr. P.H.D.H. De Silva.

My No. C/571

Your No. 18th April 1969

DEPARTMENT OF NATIONAL MUSEUMS

P.O. Box 554
Colombo 7

D.H. Wanasinghe Esq.,
Inspector of Police,
Police Station, Gampaha

SKINS FORWARDED FOR EXAMINATION

20

This is to certify that the incomplete two skins, 7 parts of heads, 8 parts of skins of legs, 3 pieces of skin and 6 stuffed heads which were produced by you, before me today are skins of leopards in accordance with Section 35 of the Fauna and Flora Protection Ordinance, Chapter 469.

2. These leopard skins appear to have been collected recently.

3. Before the skins were examined, the seals of the packages they contained, were intact.

30

4. I state that the Deputy Warden, Wild Life Protection Dept., the Taxidermist of the Museum and Police Inspector D.H. Wanasinghe were present at the time these Leopard skins and parts were examined.

Specimen seal with which the packages in which the leopard skins were packed.

Sgd. P.H.D.H. De Silva.
Director, National Museums.

ON APPEAL FROM
FROM THE SUPREME COURT OF CEYLON

B E T W E E N:

IDROOS MOHAMMED MUCKTAR

Appellant,

- and -

D.H. WANASINGHE, Inspector of
Police, Gampaha

Respondent

R E C O R D O F P R O C E E D I N G S

T.L. WILSON & CO.,
6/8, Westminster Palace Gardens,
Artillery Row,
Victoria Street, London, S.W.1

Solicitors for the Appellant

HATCHETT JONES & CO.,
90, Fenchurch Street,
London,
E.C.3

Solicitors for the Respondent