

**SAMARAWICKRÉMA  
V.  
ATTORNEY-GENERAL**

SUPREME COURT

WANASUNDERA, J., SOZA, J., AND RANASINGHE, J.

S.C. APPEAL NO. 20/82, S.C. SPECIAL LEAVE APPLICATION NO 27/82.

C. A. APPLICATION (L.A/S.C. NO. 94/81),

C. A. (S.C.) NO. 37/78,

D.C. COLOMBO B/505,

JANUARY 17, 1983.

*Rules of the Supreme Court — Effect of non-compliance*

A preliminary objection was made by the Senior State Counsel that the Accused-Appellant has not complied with Rule 35 (c) of the Supreme Court Rules, 1978.

**Held —**

It is imperative to comply with these rules.

**APPEAL** from the District Court of Colombo.

*E.R.S.R. Coomaraswamy with R. K. S. Suresh Chandra and N. Herat for Accused-Appellant.*

*G. L. M. de Silva, Senior State Counsel for Attorney General.*

*Cur.adv.vult*

January 17, 1983

**WANASUNDERA, J.**

Senior State Counsel has taken a preliminary objection to the hearing to this appeal and states that the Accused-Appellant has not complied with the provisions of Rule 35(c) of the Supreme Court Rules 1978.

Rule 35(c) requires the Appellant, within 14 days of the grant of special leave, to lodge his written submissions and forthwith give notice thereof to each respondent serving on him a copy of the submission.

Although Counsel for the Appellant stated that a copy of the written submissions had been handed over at the office of the Attorney-General, Senior State Counsel informs us that there is no record of such receipt. Mr. Coomaraswamy conceded that he has no proof of such service. Apart from this he has shown no other excuse for the non-compliance with this regulation.

These provisions have been consistently held by this Court as being imperative. Considering all the circumstances of this case we would dismiss this appeal.

**SOZA, J.** — I agree

**RANASINGHE, J.** — I agree

*Appeal dismissed*