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சுவசிரிபாய
SUWASIRIPAYA

සෞඛ්‍ය අමාත්‍යාංශය
சுகாதார அமைச்சு
Ministry of Health

මගේ අංකය)
எனது இல) PA/EOH/FC00/66
My No.) 2012
ඔබේ අංකය)
உமது இல)
Your No.)
දිනය)
திகதி) 2012.10.10
Date)

සියලුම පලාත් සෞඛ්‍ය සේවා අධ්‍යක්ෂ වරුන්,
සියලුම දිස්ත්‍රික් සෞඛ්‍ය සේවා අධ්‍යක්ෂ වරුන්,
අධ්‍යක්ෂ -ජාතික සෞඛ්‍ය විද්‍යාඥවරුන් කලුතර,
ප්‍රධාන සෞඛ්‍ය වෛද්‍ය නිලධාරී -කොළඹ මහ නගර සභාව

විධාන අංක:2012/7

සංස්ථාගත මණ්ඩලයක් සම්බන්ධයෙන් නඩු පැවරීමේදී ගරු නීතිපති තුමා විසින් යෝජිත ආකාරයට කටයුතු කිරීමට දැනුම් දීම

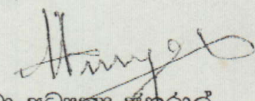
1980 අංක 26 දරණ ආහාර පහන අනුව සංස්ථාගත මණ්ඩලවලට එරෙහිව නඩු පැවරීමේ දී ගරු නීතිපති තුමා විසින් උපදෙස් ලබා දී ඇති පහත අංක දරණ ලිපි කෙරෙහි අවධානය යොමු කරන ලෙස ඔබ කොට්ඨාශයේ බලයලත් නිලධාරීන්ට දැනුම් දෙන ලෙස කාරුණිකව දන්වමි.

1. අංක CR2/Crim/Mise/47/2012 හා 2012 08 07 දිනැති ලිපිය
2. අංක CR2/Crim/Mise/42/2012 හා 2012 08 07 දිනැති ලිපිය

අදාල ලිපිවල ඡායා පිටපත් මේ සමග අමුණා ඇත.

ඉහත ලිපිවලට අනුව යම්කිසි බලයලත් නිලධාරියෙකු සංස්ථාගත මණ්ඩලයකට එරෙහිව 1980 අංක 26 දරණ ආහාර පහන යටතේ නඩුවක් පවරා එම නඩුව විභාගයට ගැනෙමින් පවතින අවස්ථාවකදී, එම සංස්ථාගත මණ්ඩලය වෙනුවෙන් අදාල සමාගමේ වග කිව හැකි පුද්ගලයකු ගරු අධිකරණයට ඉදිරිපත් වන්නේ නම් ගරු අධිකරණයේ අනිමතය පරිදි කටයුතු කිරීමට අවකාශ සලස්වන ලෙස සියලුම බලයලත් නිලධාරීන්ට දැනුම් දෙන ලෙස කාරුණිකව දන්වා සිටිමි.

ගරු නීතිපති තුමා යෝජනා කර ඇති පරිදි 1979 අංක 15 දරණ අපරාධ නඩු විධි විධාන සංග්‍රහයේ 261(2) වගන්තිය මේ සඳහා උපයෝගී කර ගන්නා ලෙස වැඩිදුරටත් දන්වා සිටිමි.


සෞඛ්‍ය සේවා අධ්‍යක්ෂ ජනරාල්
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මගේ අංකය
எனது இல.
My No.

CR2/Crim/Misc/42/2012

ඔබේ අංකය
உமது இல.
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2436421



නීතිපති දෙපාර්තමේන්තුව
சட்டமா அதிபதி திணைக்களம்
ATTORNEY - GENERAL'S DEPARTMENT

..2012...08...07.....

ප. ම. අංකය
அஞ்சல் பெட்டி
P.O. Box No. } 502

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கொழும்பு 12
Colombo 12

Director of Health Services,
Chief Food Authority
"Suwasiripaya",
385, Rev. Baddegama Wimalawansa Thero Road,
Colombo 10.

Prosecutions under the Food Act

It has been brought to the notice of the Attorney General that certain Directors of Companies and other incorporated bodies are facing some practical hardships in prosecutions under Food Act.

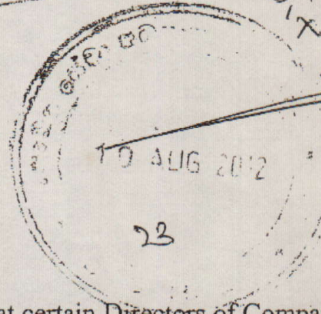
According to Section 27 of the Food Act it is necessary for all Directors of a Company to be named as suspects along with the incorporated body in a criminal prosecution under the Food Act.

However, after naming all the Material Directors and the incorporated body as suspects there have been delays in proceeding with these trials due to the difficulty of securing the attendance of all the so named suspects on every trial date. This has led to unnecessary delays in commencing and continuing with these trials as the absence of one or more Directors results in the case been postponed.

It has also become difficult for an incorporated body to dispense with the presence of all its Directors from their work on each trial date as the absence of all Material Directors of such an entity will adversely affect the daily management of these corporate bodies and result in the lack of productivity.

In order to overcome these practiced difficulties it is suggested that the prosecuting authorities under the Food Act be informed and have regard to the provisions of section 261 of the code of Criminal Procedure Act No. 15 of 1979.

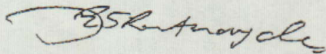
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Please inform all officers in
attached list 'y'
11/8



x | According to the said section a principal officer of a corporate body such as a Managing Director or Secretary can be appointed in writing to act on behalf of the entire incorporate body.

This provision will facilitate the speedy process of law in prosecutions under the Food Act as one representative can represent all Directors until the end of the trial. If sanctions are to be passed on the suspects it is at that stage that the presence of all suspects would be necessary and required.

4 | Therefore, you are hereby advised to direct your Prosecuting Officers under the Food Act to be mindful of the above provisions in law and have recourse to them and to cooperate accordingly to facilitate speedy justice in these matters.



Dilan Ratnayake,
Senior State Counsel,
for Attorney General.

Copy to:- Sudath Perera Associates,
No. 05, 07th Lane,
Nawala Road,
Nawala.

Sandhaya/07/26

මගේ අංකය } CR2 / Crim / Misc / 42 / 2012
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My No. }



තු. ප. අංකය } 502
அஞ்சல் பெட்டி }
P.O. Box No. }

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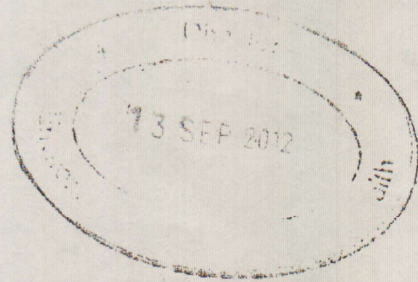
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சட்டமாதிரி திணைக்களம்
ATTORNEY - GENERAL'S DEPARTMENT

2012.09.11

ඉදිරිපත් කිරීමේ තැපෑල }
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Chief Food Authority,
"Suwasiripaya",
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Prosecutions under the Food Act.

Further to my letter dated 07. 08. 2012 with regard to prosecutions under the Food Act I write to emphasise that under the provisions of section 261 (1) of the code of criminal procedure Act No: 15 of 1979.

"At any trial in any Court in which a corporation is the Accused, the corporation may be represented by the Managing Director, the secretary or a like officer of the corporation or by a person appointed in writing as the representative of the corporation by the Managing Director."

As such a person appointed in writing as the representative of the corporation by the Managing Director will be empowered to act on behalf of the said company in accordance with the provisions of section 261 (2) of the code of criminal procedure Act No: 15 of 1979.

Dilan Ratnayake
Senior State Counsel
for Attorney General

Copy to - Sudath Perera Associates, No. 5, 9th Lane, Nawala Road, Nawala.