

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Dhir*, 2020 NSCA 13

Date: 20200211

Docket: CAC 486219

Registry: Halifax

Between:

Manish Dhir

Appellant

v.

Her Majesty The Queen

Respondent

Judges: Wood, C.J.N.S.; Van den Eynden and Derrick, JJ.A.

Appeal Heard: February 11, 2020, in Halifax, Nova Scotia

Held: Leave to appeal is denied, per reasons for judgment by the Court

Counsel: Patrick J. Eagan, for the appellant
Jennifer MacLellan, Q.C., for the respondent

Reasons for judgment:

By the Court (Orally)

[1] This is an appeal from a decision of the Summary Conviction Appeal Court upholding the conviction of Mr. Dhir by a Nova Scotia provincial court judge. The appeal is under s. 839(1) of the *Criminal Code*. This section is limited to appeals involving questions of law.

[2] Section 839(1) also requires an appellant to convince this Court to grant leave to appeal in order to have the merits of their appeal considered. The test for leave is a stringent one.

[3] We have considered the written and oral submissions of the parties and are not satisfied that the grounds advanced in support of this appeal raise any question of law nor a miscarriage of justice beyond a mere assertion.

[4] The appellant agrees that the Summary Conviction Appeal judge set out the applicable legal principles. His allegations of unreasonable factual findings and misapprehension of evidence do not involve questions of law.

[5] Even if we were to conclude that we had jurisdiction this is not one of the exceptional cases where leave to appeal should be granted.

[6] Leave to appeal is denied.

Wood, C.J.N.S.

Van den Eynden, J.A.

Derrick, J.A.