

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Sanghera, 2015 SCC 13, [2015] 1 S.C.R. 691 | **Date:** 20150319  **Docket:** 36017 |

Between:

Savdip Sanghera

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** McLachlin C.J., Abella, Rothstein, Moldaver, Karakatsanis, Gascon and Côté JJ.

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| **Reasons for Judgment:**  (paras. 1 to 5) | McLachlin C.J. (Abella, Rothstein, Moldaver, Karakatsanis, Gascon and Côté JJ. concurring) |

R. *v.* Sanghera, 2015 SCC 13, [2015] 1 S.C.R. 691

Savdip Sanghera Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Sanghera

2015 SCC 13

File No.: 36017.

2015: March 19.

Present: McLachlin C.J. and Abella, Rothstein, Moldaver, Karakatsanis, Gascon and Côté JJ.

on appeal from the court of appeal for british columbia

*Constitutional law — Charter of Rights — Right to be tried within a reasonable time — Accused charged in 2009 and convicted in 2012 — Five-month delay caused by direct indictment — Overall delay found reasonable — Majority of Court of Appeal did not err in concluding that trial judge failed to attribute sufficient delay to accused — Canadian Charter of Rights and Freedoms, s. 11(b).*

**Statutes and Regulations Cited**

*Canadian Charter of Rights and Freedoms*, s. 11(*b*).

APPEAL from a judgment of the British Columbia Court of Appeal (Lowry, Bennett and MacKenzie JJ.A.), 2014 BCCA 249, 313 C.C.C. (3d) 113, 357 B.C.A.C. 175, [2014] B.C.J. No. 1316 (QL), 2014 CarswellBC 1847 (WL Can.), affirming the accused’s convictions. Appeal dismissed, Karakatsanis and Côté JJ. dissenting.

Colleen E. Elden, for the appellant.

Christie Lusk and *John Gordon*, *Q.C.*, for the respondent.

The judgment of the Court was delivered orally by

1. The Chief Justice — This is an appeal as of right based on the dissenting view of Bennett J.A. of the British Columbia Court of Appeal that the five-month delay caused by the Crown’s preferment of a direct indictment, which was not considered by the trial judge, established an unreasonable delay in violation of s. 11(*b*) of the *Canadian Charter of Rights and Freedoms*.
2. MacKenzie J.A., for the majority of the British Columbia Court of Appeal, concluded:

It is my view that if [the trial judge] erred in not attributing to the Crown responsibility for the five months’ delay arising from the direct indictment, . . . such error does not upset the overall result, as I have found that other factors weigh more heavily on the other side of the balance.

(2014 BCCA 249, 313 C.C.C. (3d) 113, at para. 148)

1. The majority of the Court sees no error in the conclusion of the majority of the British Columbia Court of Appeal. The majority would accordingly dismiss the appeal.
2. Karakatsanis and Côté JJ., dissenting, would allow the appeal for the reasons of Bennett J.A.
3. The appeal is dismissed.

*Judgment accordingly.*

Solicitor for the appellant: Colleen E. Elden, Vancouver.

Solicitor for the respondent: Attorney General of British Columbia, Vancouver.