

JANOS JESO APPELLANT;

1963

*Jun. 20
Jun. 24

AND

HER MAJESTY THE QUEEN RESPONDENT.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Criminal law—False representations—Whether any evidence—Question of law—Question of fact.

The appellant was charged and convicted on a charge that by deceit, falsehood or other fraudulent means he defrauded certain members of the public by inducing them to advance money to obtain the immigration to Canada of relatives or friends residing in Hungary. His appeal was dismissed by the Court of Appeal. He was granted leave to appeal to this Court on the question of law as to whether there was any evidence upon which the accused might properly be found guilty of the offences charged.

Held: The appeal should be dismissed.

There was evidence, most of which was circumstantial, on which it was open to the trial judge to find that the representations, which on the evidence were made by the appellant, were false and from which the inference of guilt could legally be drawn. The question as to whether guilt ought to have been inferred was one of fact with which this Court was not concerned.

APPEAL from a judgment of the Court of Appeal for Ontario, affirming the appellant's conviction. Appeal dismissed.

A. Maloney, Q.C., and T. J. Donnelly, for the appellant.

W. C. Bowman, Q.C., for the respondent.

The judgment of the Court was delivered by

CARTWRIGHT J.:—This is an appeal from a judgment of the Court of Appeal for Ontario, pronounced on February 14, 1962, dismissing, without recorded reasons, the appellant's appeal from his conviction before His Honour Judge Donley, on April 10, 1961, on the following charge:

That in the years 1957, 1958, 1959 and 1960, at the Municipality of Metropolitan Toronto in the County of York by deceit, falsehood or other fraudulent means defrauded the public to wit; certain members of the public who were induced to advance money to obtain the immigration to Canada of relatives or friends who were residing in Hungary of a sum of money in excess of three thousand dollars contrary to the Criminal Code.

*PRESENT: Cartwright, Fauteux, Judson, Ritchie and Hall JJ.

1963

JESO
v.THE QUEEN
Cartwright J.

Leave to appeal was granted by this Court on the following question of law:

Whether there was any evidence upon which the accused might properly be found guilty of any of the offences charged in the indictment.

There was evidence on which it could be found that representations were made by the appellant to a number of persons and that they were induced by the representations to pay money to the appellant. The serious question, which was fully argued, was whether there was any evidence that the representations made were false. I have reached the conclusion that there was evidence, most of which was circumstantial, on which it was open to the learned trial judge to find that the representations were false and from which the inference of guilt of the appellant could legally be drawn. The question whether guilt ought to have been inferred was one of fact with which we are not concerned.

For these reasons I would dismiss the appeal.

Appeal dismissed.

Solicitor for the appellant: Arthur Maloney, Toronto.

Solicitor for the respondent: W. C. Bowman, Toronto.
