

# SUPREME COURT OF YUKON

Citation: *R. v. Sidhu*, 2012 YKSC 103

Date: 20121211  
Docket: S.C. No. 12-AP007  
Registry: Whitehorse

BETWEEN:

**HER MAJESTY THE QUEEN**

AND:

**MANDEEP SIDHU**

Before: Mr. Justice J.K. Bracken

Appearances:  
Tracey McPhee  
Mandeep Sidhu

For the Territorial Crown  
Appearing on his own behalf

## **REASONS FOR JUDGMENT DELIVERED FROM THE BENCH**

[1] BRACKEN J. (Oral): The application is to extend the time for filing an appeal of what appears to be a summary offence ticket that was issued sometime prior to May of 2012. The matter was heard on May 15, 2012 in Mr. Sidhu's absence. Apparently it was, he says, the one day that he missed.

[2] His allegations are that the trial was not conducted properly, that the officer who gave evidence was not sworn in or under oath, that only part of the evidence was presented.

[3] It seems to me that the real issue here is whether or not Mr. Sidhu has waived his rights to have the extension by simply taking so long to do anything about it. There

is nothing in his affidavit to suggest that there is an explanation for the delay. The only explanation given is that he said he was engaged in other activities between May and November, when the matter was filed.

[4] I will allow the extension to the 31st of December to file and perfect the appeal; that means by filing the transcript of the May 15th trial, and by filing his written brief of argument. The matter will come back on January 8th to fix a date. If, in fact, the appeal has not been perfected by that date, then the Crown will be in a position to apply for dismissal of the appeal.

[5] MANDEEP SIDHU: Thank you, Your Honour.

[6] THE COURT: Just so it is clear, Mr. Sidhu, you understand what must be done?

[7] MANDEEP SIDHU: January 8th will be the court date; I need to everything into the courts by December 27th.

[8] THE COURT: You will have to comply with the Rules. I am not familiar what the Rules are here, but you will have to familiarize yourself with the Rules and make sure everything that is required of you is done by the end of this calendar year.

[9] MANDEEP SIDHU: No problem, sir.

---

BRACKEN J.