

CANADA / JUDGMENT

R. v. Amuthan

2025 ONCA 848

COURT

Court of Appeal for Ontario

DECIDED

4 December 2025

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R. v. Amuthan Collection Decisions of the Court of Appeal Date 2025-12-04 Neutral citation 2025 ONCA 848 Docket numbers COA-22-CR-0310, COA-22-CR-0472 Judges Fairburn, J. Michal; Simmons, Janet M.; Trotter, Gary T. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Amuthan, 2025 ONCA 848 DATE: 20251204 DOCKET: COA-22-CR-0310 & COA-22-CR-0472 Fairburn A.C.J.O., Simmons and Trotter JJ.A. BETWEEN COA-22-CR-0310 His Majesty the King Respondent and Rajamudesh Amuthan Appellant AND BETWEEN COA-22-CR-0472 His Majesty the King Respondent and Arun Nagaratnam Appellant Jassi Vamadevan, for the appellant, Rajamudesh Amuthan Alina Sklar, for the appellant, Arun Nagaratnam Geoffrey Roy and Venus Sayed, for the respondent Heard November 26 and 28, 2025, and rendered orally November 28, 2025 On appeal from the convictions entered by Justice Suhail A.Q. Akhtar of the Superior Court of Ontario, on July 22, 2022, and from the sentence imposed on October 28, 2022. REASONS FOR DECISION

- [1] The appellants were jointly tried. They were convicted of possession of cocaine for the purpose of trafficking. Mr. Amuthan was also convicted of possession of proceeds of crime over \$5,000 and Mr. Nagaratnam of possession of proceeds under \$5,000. They appeal from conviction, largely attacking the trial judge's findings of fact.
- [2] They were arrested while in a school parking lot in a vehicle in the middle of the night. Mr. Amuthan was in the driver's seat and Mr. Nagaratnam was in the front passenger seat. Mr. Amuthan attempted to drive away when the police, who were dispatched on a 9-1-1 call, approached his vehicle. The police found a large amount of cocaine on the floor mat behind the driver's seat. The police also found a similar amount on the floor under the front passenger seat, but not completely hidden from view. The police also found large quantities of Canadian currency in the pocket of the driver's side door, and on the person of both appellants, consisting of mostly \$50 and \$20 bills. They also found a steak knife on the driver's seat.
- [3] A third man was located in the back seat of the vehicle. Keys found in the back seat of the vehicle tied him to another vehicle present in the parking lot.

- [4] The entire interaction between the police and the three men was caught on videotape. It was agreed that the sole issue at trial was knowledge and control of the cocaine found in the car on the part of the appellants.
- [5] The trial judge carefully and correctly reviewed the legal principles at work in a circumstantial case. He had a good grip on the application of *R. v. Villaroman*, 2016 SCC 33, 1 SCR 1000. He specifically noted that in a purely circumstantial case, after considering the evidence as a whole, the trier of fact must be satisfied, beyond a reasonable doubt, that the only reasonable inference to be drawn from the evidence is guilt.
- [6] The trial judge then set about the task of considering the evidence as a whole, including noting the limitations of the video evidence and what he was able to glean from that evidence. Specifically, he was able to see the passenger look on multiple occasions down at his feet where the cocaine would have been protruding out from under the seat. He was also able to see the driver put his left hand down on multiple occasions, and move his seat backwards, despite the clear police direction to keep his hands visible. The dropping of his hand is important, given that once the arrest was complete, the police found the driver's seat had been pushed back substantially, leaving the cocaine behind that seat less visible.
- [7] The trial judge then combined his observations from the video with the rest of the evidence to conclude that the Crown had proven knowledge and control on the part of the appellants beyond a reasonable doubt.
- [8] Both of the appellants' positions really come down to a suggestion that, on the evidence available, it was not open to the trial judge to arrive at the conclusion he reached. We disagree. We see no error in his approach and reject the appellants' submissions that he misapprehended the evidence or failed to consider alternative reasonable inferences. The conclusion he reached was entirely available to him on the evidence.
- [9] Mr. Nagaratnam also seeks leave to appeal his sentence of 3 years and 1.5 months' imprisonment. He maintains that the trial judge erred by giving inadequate credit for pretrial custody and restrictive bail conditions, failing to consider the harsh conditions during the pandemic and improper consideration of his role in the offence. We do not agree. Mr. Nagaratnam received an individualized sentence that was well within the range for mid-level cocaine trafficking. The trial judge properly approached the question of presentence custody. We see no error in principle and the sentence was not demonstrably unfit.
- [10] The conviction appeals are dismissed. Leave to appeal sentence is granted but the sentence appeal is dismissed. "Fairburn A.C.J.O." "Janet Simmons J.A." "G.T. Trotter J.A."

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