

CANADA / JUDGMENT

R. v. Kambo

2003 BCCA 566

COURT

British Columbia Court of Appeal

DECIDED

20 October 2003

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2003BCCA0566 COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Kambo,

2003 BCCA 566 Date: 20031020

Docket: CA031114 Between: Regina Respondent

And Joginder Singh Kambo Appellant

Before: The Honourable Chief Justice Finch The Honourable Madam Justice Southin The Honourable Madam Justice Newbury Oral Reasons for Judgment H. Stevenson Counsel for the Appellant J. Duncan Counsel for the (Crown) Respondent Place and Date: Vancouver, British Columbia October 20, 2003

- [1] FINCH, C.J.B.C.: This is an appeal from sentence imposed in Provincial Court on 1 August 2003. The sentence was a six month conditional sentence imposed in respect of the offences of obtaining money by false pretences and attempting to commit that offence. One of the conditions the learned sentencing judge imposed was premised on the assumption that the appellant would be living with his girlfriend and that she would be able, or some other person would be able, to do grocery shopping and attend to other necessities of a like nature on his behalf. It turns out, in the event, that that is not possible because the two are no longer living together. [2] The variation that the Crown agrees to with respect to that condition is as follows: Condition #6: You must remain in your residence daily under house arrest except as follows:
- (a) to report to the conditional sentence order supervisor (the supervisor); (b) for travel and attendance related to your search for employment and for employment when obtained; (c) for medical emergencies for yourself or your spouse; (d) for medical or dental appointments, with the advance written permission of your supervisor; (e) for one four hour occasion per week, to be arranged in advance with your supervisor, to purchase food and other necessities. [3] Counsel for the appellant agrees those revised terms meet the difficulty that the earlier condition presented. [4] I would allow the appeal to the extent of varying Condition #6 as set out above. [5] SOUTHIN, J.A.: I agree. [6] NEWBURY, J.A.: I agree.

"The Honourable Chief Justice Finch"

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Prepared on 27 October 2026 · Esheria