

CANADA / JUDGMENT

R. v. N. (C.)

[1992] 3 SCR 471**COURT**

Supreme Court of Canada

DECIDED

13 November 1992

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R. v. N. (C.) Collection Supreme Court Judgments Date 1992-11-13 Report

[1992] 3 SCR 471 Case number 22450 Judges L'Heureux-Dubé, Claire; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank On appeal from Quebec Subjects Criminal law Notes SCC Case Information: 22450 Decision Content R. v. N. (C.), [1992] 3 S.C.R. 471 Her Majesty The Queen Appellant v. C.N. Respondent Indexed as: R. v. N. (C.) File No.: 22450. 1992: November 13. Present: L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci JJ. on appeal from the court of appeal for quebec Criminal law -- Procedure -- Irregularity -- Formal accusation omitted on both the first trial and on the second trial ordered on appeal -- Application of s. 686(1) (b)(iv) of Criminal Code -- Criminal Code, R.S.C., 1985, c. C-46, s. 686(1) (b)(iv). Statutes and Regulations Cited Criminal Code, R.S.C., 1985, c. C-46, s. 686(1) (b)(iv). APPEAL from a judgment of the Quebec Court of Appeal, [1991] R.L. 430, allowing an appeal from, and ordering a stay of proceedings, conviction by Carrier J. in a new trial ordered by the Court of Appeal on its allowing an appeal from an acquittal by Sirois J.C.S.P. Appeal allowed. Serge Sévigny and Michel Ayotte, for the appellant. Jean Petit, for the respondent. //Iacobucci J.// English version of the judgment of the Court delivered orally by Iacobucci J. -- We are all of the opinion that this appeal brought as of right should be allowed and we substantially adopt the reasons of Brossard J.A. of the Quebec Court of Appeal. The procedural errors made in this case are irregularities covered by s. 686(1) (b)(iv) of the Criminal Code . Accordingly, the appeal is allowed, the judgment of the Quebec Court of Appeal is set aside, and the verdict of guilty entered by the trial judge is restored. Judgment accordingly. Solicitor for the appellant: Serge Sévigny, Thetford Mines. Solicitor for the respondent: Jean Petit, Québec.

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