

CANADA / JUDGMENT

# R. v. Rana

2026 ONCA 141

## COURT

Court of Appeal for Ontario

## DECIDED

24 February 2026

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R. v. Rana Collection Decisions of the Court of Appeal Date 2026-02-24 Neutral citation 2026 ONCA 141 Docket numbers COA-24-CR-1000 Judges Zarnett, Benjamin; George, Jonathon C.; Copeland, Jill M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Rana, 2026 ONCA 141[1] DATE: 20260224 DOCKET: COA-24-CR-1000 Zarnett, George and Copeland JJ.A. BETWEEN His Majesty the King Respondent and Vikkas Rana Appellant Joel Prajs, for the appellant Emma Evans, for the respondent Heard and rendered orally: February 20, 2026 On appeal from the conviction entered by Justice Peter DeFreitas of the Ontario Court of Justice, on February 23, 2023, and from the sentence imposed on December 5, 2023. REASONS FOR DECISION

- [1] The appellant raises three grounds of appeal against his conviction for sexual assault.
- [2] First, he argues the trial judge misapprehended the appellant's evidence about the complainant's level of intoxication, misinterpreting it to have been that the complainant was sober and then disbelieving the appellant because of the trial judge's view that the video evidence showed a high level of intoxication that would have been apparent to the appellant.
- [3] We reject this argument.
- [4] The trial judge was entitled to view the appellant's evidence as effectively suggesting that the complainant was sober. His interpretation of the video was reasonable. Accordingly, there was no misapprehension of evidence.
- [5] Second, the appellant criticizes the trial judge's reliance on a voice note of the complainant's conversation with her boyfriend, principally on the ground that there should have been a voir dire because it was a prior consistent statement.
- [6] We agree that a voir dire should have been held, but this was a judge alone trial, and the parties in closing submissions addressed the use to be made of the voice note. The trial judge did not misuse the evidence. We reject this ground of appeal.
- [7] Nor do we see any misapprehension in the trial judge's findings flowing from the three-way conversation among the complainant, the appellant, and a friend the day after the sexual encounter.

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- [8] Finally, the appellant argues that the trial judge applied uneven scrutiny to the evidence of the prosecution and the defence. The appellant fairly concedes that this ground is dependent on his first two grounds, which we have rejected. This ground must fail as well.
- [9] The appellant also contends that the sentence imposed was demonstrably unfit. We disagree. It fell within the range for this type of offence, and the trial judge gave appropriate consideration to the appellant's youth and potential for rehabilitation in crafting a fit sentence.
- [10] The conviction appeal is dismissed. Leave to appeal sentence is granted, but the sentence appeal is dismissed. "B. Zarnett J.A." "J. George J.A." "J. Copeland J.A."
- [1] This appeal is subject to a publication ban pursuant to 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.
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