

CANADA / JUDGMENT

R. v. Ranu

2025 ONCA 663

COURT

Court of Appeal for Ontario

DECIDED

24 September 2025

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Ranu Collection Decisions of the Court of Appeal Date 2025-09-24 Neutral citation 2025 ONCA 663 Docket numbers COA-23-CR-0870 Judges Rouleau, Paul S.; Huscroft, Grant; Trotter, Gary T. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Ranu, 2025 ONCA 663[1] DATE: 20250924 DOCKET: COA-23-CR-0870 Rouleau, Huscroft and Trotter JJ.A. BETWEEN His Majesty the King Respondent and Mandeep Singh Ranu Appellant Alexander Ostroff, for the appellant Adrianna Mills, for the respondent Heard: September 15, 2025 On appeal from the convictions entered by Justice Irving W. André of the Superior Court of Justice, sitting with a jury, on October 13, 2021. REASONS FOR DECISION

- [1] The appellant appeals his convictions of one count of sexual assault and one count of assault. Both offences were committed against his former wife. These reasons explain why the appeal is dismissed.

Background

- [2] Given the narrow ground of appeal – focused on a mid-trial procedural ruling – it is not necessary to review the trial evidence in great detail.
- [3] The appellant and the complainant met in India. They married in 2017. Shortly afterwards, the complainant came to Canada to study. Almost a year later, the appellant obtained his visa and joined her. He arrived in Canada on April 14, 2018. The complainant picked him up from the airport. They got into an argument on the way home. Later that night, the appellant had sex with the complainant without her consent. Two days later, on their first wedding anniversary, they got into another argument. The complainant attempted to leave the house, but the appellant prevented her from doing so by restraining her, pulling her by the hair, and covering her mouth with his hand.
- [4] The complainant left the appellant within a month of his arrival in Canada. This happened when he was away visiting relatives. To this point the complainant had not reported the two incidents to the police because she felt shame and was afraid of the stigma it would cause her family in India.

- [5] On September 15, 2018, the complainant received a call from her brother, who told her that her parents and sister were arrested in India on charges of marriage fraud. When she told her brother about the two incidents described above, he encouraged her to go to the police. The appellant acknowledged that marriage fraud charges were commenced in India because he believed that the complainant took advantage of him financially when she moved to Canada. The appellant's position was that the criminal allegations against him were fabricated in retaliation for the marriage fraud charges. The Trial
- [6] The appellant elected to be tried by judge and jury. A couple of days before the trial started, the Crown disclosed two emails and a WhatsApp conversation with the complainant. The complainant believed the messages were from the appellant even though they originated from numbers and e-mail addresses she did not recognize. The messages were threatening. They warned the complainant that her parents would remain in jail in India if she did not reconcile with the appellant.
- [7] During the complainant's evidence in-chief, the Crown introduced the messages. The complainant testified that she believed that the appellant was the author of these messages. The Crown adduced this evidence to support the complainant's narrative of disclosure. During cross-examination, appellant's counsel took the position that the complainant was lying and these messages were fabricated to make the appellant look bad. The complainant claimed to have many more, similar communications from the appellant. In front of the jury, defence counsel asked the complainant to produce these additional messages. She agreed that she would. The Crown objected.
- [8] The Crown took the position that, in order get access to any further messages, the defence was required to bring an application for third-party disclosure under s. 278.1 of the Criminal Code. The Crown mistakenly told the trial judge that the appellant's counsel had previously abandoned a s. 278.1 application, when in fact he abandoned a s. 276 application. This was subsequently corrected for the trial judge. Moreover, the Crown pointed out that the complainant had mentioned receiving messages in her statement to the police, thereby putting the defence on notice early in the proceedings.
- [9] The defence took the position that he was entitled to pursue the additional electronic correspondence because he had received the WhatsApp conversation and the two emails from the Crown just a few days earlier. He claimed the additional messages might support his theory of fabricated correspondence and thereby undermine the complainant's credibility. The Ruling
- [10] In a brief ruling, the trial judge prevented counsel from pursuing the matter further. He accepted the Crown's submission that the complainant had "discussed emails and messages with the police" and this was "information [defence counsel] had in the very early stages of this matter." Accordingly, the defence was required to bring a s. 278.1 application, and that application should have been brought before the trial, not in the middle of the complainant's cross-examination. He said, "In my view that is precisely the type of mischief that the rules

are designed to protect, which is to say that these applications are brought at the 11th hour, the consequent loss of court time, with perhaps the inevitable adjournment of the trial”.

- [11] The appellant submits that the trial judge’s ruling was based on a misapprehension of the facts, and that more generally, the ruling was unfair because it foreclosed the defence from the possibility of establishing that an even greater number of messages had been fabricated by the complainant. The appellant also argues that the messages were not even covered by the s. 278.1 regime to begin with.
- [12] We agree with the appellant that the trial judge was mistaken in some respects in his ruling. For instance, he referenced that the appellant had abandoned a previous s. 278.1 application. Further, he mentioned that the appellant’s ability to make full answer and defence would not be compromised because he would have been in possession of the electronic correspondence mentioned by the complainant. However, the appellant’s position was that they were fabricated and therefore he had not seen them.
- [13] We are not persuaded that the trial judge erred in his ultimate decision to foreclose a s. 278.1 application in these circumstances. Although his ruling contained some factual inaccuracies, the substance of his decision was amply justified in the circumstances. This was a matter that should have been pursued prior to trial. It is speculative at best whether these messages would have assisted the appellant in his defence. Accordingly, the trial judge properly exercised his trial-management powers in refusing to entertain the application in the middle of the complainant’s testimony. This type of mid-trial application is exactly what the Supreme Court of Canada cautioned against in *R. v. J.J.*, 2022 SCC 28, [2022] 2 S.C.R. 3, at para. 86.

Disposition

- [14] The appeal is dismissed. “Paul Rouleau J.A.” “Grant Huscroft J.A.” “Gary Trotter J.A.”
- [1] This appeal is subject to a publication ban pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF’s page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/coa/coa/en/item/23589/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-ranu-2025>

Prepared on 27 October 2026 · Esheria