

Information No. 2811-998-25-28100189-00

ONTARIO COURT OF JUSTICE

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v.

SOURISH BHATTACHARYA

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R E A S O N S F O R J U D G M E N T

BEFORE THE HONOURABLE JUSTICE J. F. ADAMSON
on December 18, 2025, at OSHAWA, Ontario

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APPEARANCES:

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B. Hart

Counsel for the Crown

A. Gill

Counsel for Sourish Bhattacharya

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ONTARIO COURT OF JUSTICE

T A B L E O F C O N T E N T S

Reasons for Judgment 1

LEGEND

- [sic] Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) Indicates preceding word has been spelled phonetically.

Transcript Ordered: December 19, 2025

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1.
Reasons for Judgment
Adamson, J.

THURSDAY, DECEMBER 18, 2025

R E A S O N S F O R J U D G M E N T

5 ADAMSON, J. (Orally) :

Sourish Bhattacharya is charged with dangerous driving, impaired driving, and point zero eight.

10 His vehicle was followed to his address by a civilian complainant who called police. When PC Andrus arrived, he investigated and charged Mr. Bhattacharya.

15 There were several *Charter* breaches alleged by the Defence, but they have all been abandoned. The Defence has also conceded that Mr. Bhattacharya blew 170 and 160 within the required time, and that the driving behaviour would make out the impaired offence beyond a reasonable doubt and likely amount to dangerous driving as well.

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25 The only issue at trial is whether the Crown has proved beyond a reasonable doubt that it was Mr. Bhattacharya that was observed driving.

Cassandra Marullo observed the driving. She followed a white VW Jetta for about 10 minutes as it exhibited extremely erratic movement before finally being parked almost sideways on the boulevard in front of Mr. Bhattacharya's house.

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She saw someone get out and go inside the house for

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a "brief, brief" period. She said that this person was male and wearing a dark jacket. She believed he had dark skin but could not be sure.

5 She observed two other people, she thought they were kids, by the door when the man went inside.

10 Mr. Bhattacharya then emerged, now wearing a very large and distinctive yellow winter coat and he had a dog on a leash. That description was provided to police.

15 When PC Andrus arrived on scene the complainant had already left, but he saw the man with the dog and the yellow jacket and approached him.

20 No one is seeking to have Mr. Bhattacharya's statements apply to this issue, so I am duty bound to disabuse my mind of what he said, save only that it justified the officer's other actions.

25 Again, so the question is, without any admission, has the Crown proved beyond a reasonable doubt that Mr. Bhattacharya was the man driving the vehicle when it pulled up?

30 Ministry of Transportation documents proved that the Jetta was Mr. Bhattacharya's car and that this was his house. He also had the key fob for that vehicle in his pocket. That is some circumstantial evidence that offers support to the inference that he was the driver.

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5 The Crown also argues that the same can be said of the fact that his phone was found inside the car. I cannot agree with that point because there was no admissible evidence before me as to whose phone it actually was. The whole discussion was just hearsay from the officer's body worn camera.

10 Beyond that circumstantial evidence, the case comes down to the evidence of Ms. Marullo.

15 She was clear that a man was driving, and that he entered the house; that house.

20 She was also clear that she believed it was the same man who exited sometime later, now wearing a yellow coat with a dog on a leash. When asked if it could be a different man, she said, "I don't think so," and after that, she said she was certain it was the same man, and went on to say that she believed it was, adding that she could not even be sure if he went into the house or not because she was on the phone.

25 The Defence asked me to look closely at the basis for her belief.

30 Ms. Marullo never saw the driver's face. She offered no description of him at all beyond that he was male and wearing a dark jacket and was perhaps dark-skinned. She said nothing about his clothing otherwise and nothing about his build, height, or

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gait. She was parked eight houses away. Even conservatively, it is probably at least 250 feet.

5 An additional complicator was that when the officer arrived, there was another vehicle in the same driveway, and a man in a dark jacket was seen leaving in that vehicle even as Mr. Bhattacharya was being initially confronted by PC Andrus.

10 Proof beyond a reasonable doubt is a very high standard. It is particularly important to uphold that standard when dealing with the issue of identity as this issue has resulted in more wrongful convictions than any other.

15 Ms. Marullo's evidence was, unfortunately, very vague when it came down to this key issue. It would not support a proper finding on its own.

20 The fact of Mr. Bhattacharya's ownership gives it some support but there was no evidence about the other residents or who uses the vehicle generally. I have to take notice that it is not uncommon for one person in a household to be the registered owner of multiple vehicles, sometimes usually operated by other people.

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30 It is also well understood that vehicles always come with at least two fobs, and it would not be unreasonable for anyone who belonged to that household to be carrying a fob for a vehicle that they may own but have not been driving. As a case

in point, I would point out that I am doing so right now; I have the key for a vehicle that I own that my wife drives almost exclusively.

5 When I add to this that a man with a dark jacket quitted the scene just as PC Andrus arrived, I have to conclude I have a reasonable doubt, and Mr. Bhattacharya, however undeservedly, will be acquitted.

10 ...END OF EXCERPT AS REQUESTED

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6.
Certification

FORM 3

ELECTRONIC CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

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I, Isha Pryce, certify that this document is a true and accurate transcript of the recording of R. v. Sourish Bhattacharya in the Ontario Court of Justice proceeding at 150 Bond Street East, Oshawa, Ontario, taken from Recording No. 2811 105 20251218 090458 6 ADAMSOJ.dcr, which has been certified in Form 1.

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December 23, 2025

(Date)

(Electronic Signature of Authorized Person)

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