

**VUPUL ROMIK SHARMA**

v

**THE QUEEN**

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: H D M Lawry for Applicant  
J C Pike for Crown

Judgment: 13 August 2010

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1] The issue sought to be examined in this proposed appeal against conviction is whether the trial Judge should have given directions to the jury on the subject of intoxication. There is no question that in many circumstances where there is evidence of intoxication such a direction should be given. The issue is whether a direction should have been given in the particular circumstances of this case. The Judges in the Court of Appeal differed in that respect, two being of the view that the direction was unnecessary and the third being of the contrary view. The difference

depended essentially on case specific matters rather than matters of general principle. In this situation we do not consider any point of general or public importance is raised by the proposed appeal.

[2] Nor do we consider that the absence of an intoxication direction raises any miscarriage of justice concerns. The direction would have been inconsistent with aspects of the defence case. This may well have been why experienced counsel representing the accused did not refer to his intoxication in closing. For these reasons no valid ground for a grant of leave has been established and the application must be dismissed.

Solicitors:  
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