

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 154/2021  
[2022] NZSC 39

BETWEEN                      PREETAM PRAKASH MAID  
Applicant

AND                              THE QUEEN  
Respondent

Court:                          William Young, Glazebrook and Ellen France JJ

Counsel:                      Applicant in person  
J A Eng for Respondent

Judgment:                    4 April 2022

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JUDGMENT OF THE COURT

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**A        The application for an extension of time to apply for leave to appeal is granted.**

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

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REASONS

**Introduction**

[1]     Mr Maid worked as an aviation security (“AVSEC”) officer at the Dunedin International Airport. He was convicted after a jury trial of taking an imitation explosive device into a security enhanced area (SEA) in breach of s 11(1A) of the Aviation Crimes Act 1972. He was sentenced to three years’ imprisonment.<sup>1</sup>

[2]     He seeks leave to appeal the Court of Appeal’s dismissal of his appeal against conviction.<sup>2</sup>

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<sup>1</sup>     *R v Maid* [2021] NZDC 1547 (Judge Crosbie).

<sup>2</sup>     *Maid v R* [2021] NZCA 456 (Clifford, Thomas and Muir JJ) [CA judgment].

## **Court of Appeal decision**

[3] The case against Mr Maid was circumstantial. No one saw him assembling the device or carrying it into an SEA.<sup>3</sup>

[4] It was conceded by Mr Maid's counsel on appeal to the Court of Appeal that there was sufficient circumstantial evidence that he had constructed an imitation improvised explosive device, transported it in an AVSEC patrol vehicle, and placed it next to a building on the runway "for the purposes of creating a security incident".<sup>4</sup>

[5] However, it was argued on appeal that there was no evidence that the device had been taken by him into an SEA as there were different routes to the AVSEC patrol vehicle that did not require him to pass through an SEA.

[6] The Court of Appeal accepted the argument as conceivable. However it held that there was strong circumstantial evidence that the device had been taken into an SEA. It was more than open to the jury to accept this evidence.<sup>5</sup> Complaints regarding the summing up were also dismissed.<sup>6</sup>

## **Extension of time**

[7] The application is 40 working days out of time. The applicant explains the delay with reference to his imprisonment and the lack of legal aid. As the delay is not extreme and has been explained, we grant his application for an extension of time.<sup>7</sup>

## **The application for leave**

[8] Mr Maid raises numerous grounds of appeal, many of which had not been raised in the Court of Appeal and all of which ultimately are related to the particular circumstances of this case. No point of public or general importance arises.<sup>8</sup> Nor does

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<sup>3</sup> The full facts are set out in the CA judgment, above n 2, at [3]–[14].

<sup>4</sup> At [18].

<sup>5</sup> At [29].

<sup>6</sup> At [33]–[38].

<sup>7</sup> Supreme Court Rules 2004, r 11(4).

<sup>8</sup> Senior Courts Act 2016, s 74(2)(a).

anything raised by Mr Maid suggest that the analysis of the Court of Appeal may be wrong. Nothing suggests there is a risk of a miscarriage of justice.<sup>9</sup>

## **Result**

[9] The application for an extension of time to apply for leave to appeal is granted.

[10] The application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for Respondent

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<sup>9</sup> Section 74(2)(b).