

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 12/2026
[2026] NZSC 96

BETWEEN VIVEK GOEL
Applicant

AND THE KING
Respondent

Court: Ellen France and Kós JJ

Counsel: S Brickell for Applicant
K South and A M Harvey for Respondent

Judgment: 20 July 2026

JUDGMENT OF THE COURT

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

REASONS

[1] Mr Goel was responsible for managing the Westland District Council's infrastructure assets. A jury found him guilty of 14 bribery charges, four charges of corrupt use of official information and two of obtaining by deception.¹ Having failed to obtain leave to bring a conviction appeal out of time in the Court of Appeal,² he now seeks leave to appeal directly to this Court from the High Court.

[2] Mr Goel again requires an extension of time, and in any event this Court may grant leave to appeal only if satisfied it is necessary in the interests of justice to hear

¹ Crimes Act 1961, ss 105(1), 105A and 240(1).

² *Goel v R* [2025] NZCA 658 (Collins, Fitzgerald and Robinson JJ) [CA leave judgment].

and determine the proposed appeal and that exceptional circumstances justify a direct appeal.³

[3] The charges arose out of Mr Goel’s involvement in helping his associates, and in particular a Mr Singh, to secure contracts for the provision of services. The charges were dealt with in a single trial, the High Court having refused severance and having permitted the Crown to use evidence on a cross-propensity basis.⁴ In a pre-trial decision confirming that course, the Court of Appeal concluded there was a propensity running through the evidence on all of Mr Goel’s charges, namely to use his position and information gained therefrom “to assist certain identified third parties in their contractual dealings with his employer”, and:⁵

- (a) in the case of the bribery charges, to corruptly take money for doing so;
- (b) in the case of the corrupt use of official information charges, to misuse the information knowing that to do so was in breach of his obligations to [the Council]; and
- (c) in the case of the obtaining by deception charges, to intentionally fail to disclose his assistance to the third parties in connection with their contractual dealings with the [Council].

[4] The Court noted that if the jury were satisfied the evidence established an instance of bribery, corrupt use of official information or obtaining by deception charge against Mr Goel, they could use the evidence as propensity evidence as to other charges. Proof of, e.g., acceptance of a bribe from Mr Singh would make it more likely Mr Goel would be prepared to use his position to provide information to Mr Singh.⁶

[5] Mr Goel seeks leave to appeal out of time on three grounds:

- (a) whether a “propensity to act corruptly” across multiple offence types is a legally cognisable “particular way of acting”;

³ See Senior Courts Act 2016, s 75.

⁴ *R v Goel* [2021] NZHC 1259 (Osborne J); and *R v Goel* [2021] NZHC 1811 (Osborne J) [HC pre-trial reasons judgment].

⁵ *Goel v R* [2022] NZCA 263 (French, Venning and Moore JJ) [CA pre-trial judgment] at [40].

⁶ At [48]–[51].

- (b) whether the Court of Appeal erred in concluding the probative value of the evidence outweighed the risk of unfair prejudice given the alleged propensity was defined abstractly and spanned legally and factually distinct offence types; and
- (c) whether the Judge properly directed the jury—and, in particular, what minimum directions are required to prevent impermissible reasoning in complex bribery and corruption cases.

Our assessment

[6] We consider the first two proposed grounds raise neither any question of general or public importance nor any risk of a substantial miscarriage of justice.⁷ All charges involved what the High Court loosely called “corrupt intent”.⁸ The evidence demonstrated a particular state of mind in terms of s 40(1)(a) of the Evidence Act 2006, irrespective of the distinct legal and factual underpinning of each charge. For the purposes of this application, we see no error in the conclusion of the Court of Appeal that the evidence was cross-admissible, with its probative value outweighing the risk of unfair prejudice.⁹

[7] While we accept the proposed third ground as to directions may raise a question of general or public importance, we are satisfied the Judge’s directions in this case were in fact more than adequate. Significantly, as the Court of Appeal noted in its post-trial decision, the Judge directed the jury they needed to be *sure* the evidence established facts underlying the alleged propensity and that there was a continuing pattern of repeated behaviour, whereas that high standard of proof is inapposite to propensity evidence.¹⁰

[8] For these reasons, we are not satisfied it is necessary in the interests of justice to hear and determine the proposed appeal. Nor are we satisfied anything justifies a

⁷ See Senior Courts Act, s 74(2)(a) and (b).

⁸ HC pre-trial reasons judgment, above n 4, at [218].

⁹ CA pre-trial judgment, above n 5, at [60]–[66].

¹⁰ CA leave judgment, above n 2, at [200].

direct appeal to this Court.¹¹ In these circumstances, we will dismiss the application for an extension of time.

Result

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

Solicitors:
Raymond Donnelly & Co, Christchurch for Respondent

¹¹ See Senior Courts Act, s 75.