

ATTENDANCE NOTE

CASE NAME: SEEMA MISRA
CASE NO: CRM/258932/JSX
DATE: 3rd June 2009

Attended Guildford Crown Court in the Trial of Seema Misra on the 2nd June 2009. The case was heard by His Honour Recorder Bailey. The prosecution was conducted by Counsel Mr Warwick Tatford and the Defence Counsel was Mr Cousins.

The Defence initially made an application to the Judge to consider the Internet Horizon material consisting of 12 pages which has history of the Post Office cases which has resulted in criminal prosecution where there has been doubts about the Horizon system. The case was then put back for an hour for the Defence to consider this. When the case came back to Court before Recorder Bailey when the Defence made an application for further time to examine the aspect of the faults of the Horizon. The Defence were criticised for bringing the matter to light at the Trial of the case and had not submitted anything to the prosecution for time to investigate it and why the Defence have not identified this earlier in the last 18 months or on the 23rd March 2009 at the Plea and Case Management Hearing and also not mentioned anything in their Defence Statement served on the 19th March 2009 and also why the Defence Solicitors had not had this matter listed. Also the Recorder criticised the Defendant why these serious errors were not mentioned when she was interviewed.

Prosecution Counsel Warwick Tatford is also conscious that if this is mentioned by the Defendant in the witness box there is a danger of not having a fair Trial and the Jury will have no evidence to judge her assertion on.

The case was further put back until 12.30pm for Defence Counsel to take further instructions from his Client. When the case came back Defence Counsel made an application and raised the integrity of the Horizon system. The case was adjourned for the Defence to set out clearly what they are suggesting against the Horizon for these to be identified by the Defence and for them to instruct an expert. The case was set for Mention on the 14th July 2009 where the Court will give further directions.

The Recorder also directed for the Trial Judge to consider the question of today's costs being wasted to be paid by the Defendant and also as to why the Defendant should and could have raised these matters earlier without wasting costs and resolved in order to avoid an adjournment.

JARNAIL SINGH
Senior Lawyer