



Issy Hogg

GRO

03/02/2010 23:41

To: "jarnail.a.singh" [GRO]
cc: Keith Hadrill [GRO]
"warwicktatford@" [GRO]
Subject: RE: REGINA v SEEMA MISRA - CRM/258932/JSX GUILDFORD
CROWN COURT MENTION - 1ST FEBRUARY 2010

Dear Sirs,

R V Misra

We refer to HHJ Critchlow's order on 01/02/10 to serve a further disclosure request by 4pm today.

Due to an office system failure causing our email and case management to go down, we contacted the court who, effectively, gave us an extension of time until midnight tonight. This extension was communicated by defence counsel to prosecution counsel earlier this evening.

We now enclose our third request for disclosure together with our expert's third interim report.

We note that your response of 27/01/10 makes suggestion that our Expert meets with your investigating officer and representatives of Fujitsu. Can we endorse that and emphasise that, we have, since July last year, been requesting that our expert has access to data records, a request that has been repeatedly rebuffed on grounds of cost and work involved.

You have indicated that you do not propose to rely on an expert but on the employees of Fujitsu. For the first time, at the hearing on 01/02/10, you identified that witness as an employee named Jenkins. However, not only have you not served his evidence prior to suggesting a meeting, you accept that you haven't even yet taken a statement.

We very much doubt that our expert will now be able to carry out the testing required and then report in time for the trial. However this is dependant on further disclosure and possible discussions between experts. If we cannot prepare the report we will, in these circumstances, as already notified to the court on 01/02/10, seek to make application for the indictment/count to be stayed for abuse of process.

Even if we are ready for trial, we would point out that our expert has now provided three interim reports which would have been avoided had you provided us with access to the data records as first raised in July last year. In addition we have also had an aborted s8 hearing on 20/11/09/ a mention hearing on 01/02/10 through lack of disclosure and the production of a third request of disclosure tonight, much of which is requesting that you comply with the requests raised in our document of 30/11/09.

We put you on notice that we will, in any event, be applying for wasted costs against the Post Office for the work involved by Counsel, Expert and ourselves in the above hearings, reports and requests.

As you can see, we have copied this message to both Prosecution and Defence Counsel and have faxed this message together with enclosures to the Court.

Yours faithfully

Issy Hogg
Coomber Rich

Issy Hogg

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-----Original Message-----

From: marilyn.benjamin [GRO] On Behalf Of
[GRO] jarnail.a.singh [GRO]
Sent: 27 January 2010 16:59
To: Issy Hogg
Subject: REGINA v SEEMA MISRA - CRM/258932/JSX GUILDFORD CROWN COURT
MENTION - 1ST FEBRUARY 2010

Please see the attached letter in the above case. A hard copy together with enclosures is in the post.

(See attached file: 258932L21.doc)

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Criminal Law Team

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Third request for disclosure.doc 3rd interim technical expert's report to the Court 2010-02-03 v01.doc