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ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v TAHIR MAHMOOD SETHI

Nottingham Magistrates Court

Offence

1. On the 16th November 2011 this defendant was sentenced, at the Nottingham Magistrates Court, to 126 days imprisonment suspended for 12 months with a 150 hour unpaid work requirement for an offence of Theft. The single charge alleged that on or about the 26th July 2011 he had stolen £13,174.23. Costs were awarded in the sum of £300.00.

Case history

2. This case was listed before the Nottingham Magistrates Court on 14th November 2011 when the defendant pleaded guilty and the case was adjourned. The case was next listed on 16th November 2011 when the defendant was dealt with as above.

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Prosecution case

3. The defendant, Tahir Sethi was during the relevant period the sub postmaster at Farnsfield Sub Post Office. He had been working as such for 10 months prior to his suspension.

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4. On 27th July 2011 auditors attended the Farnsfield Sub Post Office following a telephone call from a member of staff raising concerns that the sub postmaster was removing post office funds from the branch.

5. On the date of the audit, 27th July 2011, the auditor found a total shortage of £13,174.23 made up as follows:

   - £11,151.65 (-) identified as a difference in cash figures
   - £510.40 (-) identified as a difference in stock figures
   - £1,007.99 (-) identified as a difference in postage figures
   - £504.19 (-) Discrepancy as per office snapshot

6. Mr Sethi was asked if he knew what the outcome of the audit might be and he replied that the cash would be short by £11,000.00. He explained that he had been struggling financially and bailiffs had attended another of his businesses demanding cash and he had taken the cash the previous night as a short term solution to give to the bailiffs.

7. In his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 27th July 2011, the defendant said:
   - He confirmed the account given to the auditors.
   - The money was to go to the bailiffs who were at his 24 hour Nisa store in Mansfield Road.
   - He said that there was another carried forward loss of £506.00
   - He overstated the cash to cover the loss
   - He was intending to put the cash back.
   - He had borrowed money before from the Post Office when the banks were closed in sums of £100-£300. He put it back in the morning.
   - He admitted that "borrowing" as he had done was, "In a way it's stealing I suppose."

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Defence case

8. In interview the defendant admits both taking Post Office money and fraudulently covering up losses.

Discussion

9. This is a case where the defendant effectively pleaded guilty at the first appearance in the Magistrates Court. It is difficult to see how he could have been assisted by the issues raised by the Second Site Interim Report which, even had we been aware of it we almost certainly would not have disclosed at this stage or indeed at all in this case where there were full admissions to the offence charged.

10. On his own admissions in interview and those made through his legal representatives he is guilty of the offence to which he pleaded guilty.

Conclusion

11. This is a case in which, had we been possessed of the Second Sight Interim Report, we would not have needed to disclose anything contained therein to this defendant. The passage of time has not changed that position, in my opinion, and we need take no further action upon this file.

Harry Bowyer **24th September 2013**
Barrister
Cartwright King Solicitors