

ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v ALI HASHIMI

Stockport Magistrates Court

Offence

1. On the 12th January 2012 this defendant was sentenced, by District Judge Taff, to a 12 month community order with a 120 hour unpaid work requirement for an offence of Fraud. The single charge alleged that between 17th November 2010 and 28th June 2011 he had dishonestly made false representations in the Final Branch Trading Accounts at the Poynton Sub Post Office Branch to the tune of £4,432.30. Costs were awarded in the sum of £748.00.

Case history

2. This case was listed before the Stockport Magistrates Court on 16th November 2011 when the case was adjourned as the defendant was abroad. The case was next listed on 21st December 2011 - the case was again adjourned as the defendant had provided no instructions owing to having been abroad. On the next occasion, 12th January 2012, effectively the first appearance, the defendant pleaded guilty and was dealt with as above.
3. The mitigation put forward was that the defendant was naïve and had been left to manage the premises by Mr Mahmood – had got into some difficulty and had not sought the appropriate help to rectify the position.

Prosecution case

4. The defendant, Ali Hashimi was during the relevant period employed as an Officer in Charge at Poynton Sub Post Office. He had been working as such for 11 months prior to his suspension.
5. On 28th June 2011 auditors attended the Poynton Sub Post Office owing to concerns over stock adjustments.
6. On the date of the audit, 28th June 2011, the auditor found a total shortage of £4,432.30 made up as follows:
 - £177.59 (-) identified as a difference in cash figures
 - £1,498.88 (-) identified as a difference in cheque on hand figures
 - £222.12 (-) identified as a difference in stock figures
 - £167.30 (+) identified as a difference in postage figures
 - £61.04 (+) transaction figures revealed to documentation
 - £2,755.42 (-) Discrepancy as per office snapshot
 - £6.64 (-) Other
7. A cheque for £1,498.88 had been declared on the Horizon system but was not on hand in the branch to support the entry. The defendant was asked why and replied that he had paid his business rates using Post Office cash. He gave the auditor £1,500.
8. Mr Hashimi confirmed that the figures were correct.
9. A cheque for £1,499 dated 20th June 2011 was found in an envelope with “Ali” written on the front. The cheque was made out to Post Office Ltd and signed S Mahmoud. This cheque did not form part of the branch account.

10. In his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 7th July 2011, the defendant said:

- He had encountered a stock error in his accounts in November 2010 for approximately £2,500.00 which involved remming in more books of stamps than he received – he rang network business but got no answer.
- This was followed by a loss of £1,500 owing to a price change - he put this amount in cheques.
- He made another error with scratch cards
- He hid these losses by inflating his cash on hand by £2,500.00 and entering a fictitious amount in his cheques on hand figures each week since.
- He admitted that he had been inflating the cash and cheque on hand figures to hide shortages in the branch account.
- He had lied to the auditors to save embarrassment in front of the staff.
- He had taken the £1,500 to repay a loan to a friend and not his business rates.
- The unaccounted cheque of £1,499 signed S Mahmood had been written by him and entered into the branch account on 20th June 2011 to cover up a loss and had been withdrawn on 22nd June 2011. The cheque related to the business account and belonged to his brother and that account was now closed.

Defence case

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

Discussion

12. 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 Sight 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.

13. 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

14. 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
Barrister
Cartwright King Solicitors

23rd September 2013