

POST OFFICE LTD – CASE REVIEW

R. v. Mahesh Patel & Prakesh Patel

Investigation stage

Offence

1. This case is at an early stage and is yet to be charged. Likely charges are theft and False Accounting.

Case history

2. N/a.

Prosecution case

3. Mahesh Patel was the sub-postmaster at the Sunnyville post office, Billericay. He had one staff member called Laura Smith.
4. On 9th January 2013 an audit was conducted. Mahesh Patel told the auditors that his brother, Prakesh Patel had been running the branch for him for the last year due to him being ill.
5. The audit revealed a shortage of £41,116.10, of which £35,622.4 was a shortage in the cash. £5519.31 was a shortage in the stock figures, £425.47 (+) was the difference in the postage figures and £399.79 was the shortage in the foreign currency figures.
6. Mr Mahesh Patel was interviewed about these matters, on 4th March 2013, the interviews being conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice. He said:
 - He had been the postmaster for the last 9 years

- He owns the newsagents and the post office situated in it.
- He became ill in December 2011 and was currently undergoing chemotherapy.
- He asked his brother, Prakesh Patel, to run the post office on his behalf.
- Prakesh had no formal training except what Mahesh could teach him.
- Mahesh did not inform the contracts manager of the change in his health and did not advise the contracts manager that Prakesh would be running the post office.
- In January 2012 Prakesh needed some time off and Mahesh covered for him. He worked for two days and the audit took place on the third.
- He did not dispute the findings of the audit but was surprised as he had not been told of any problems.
- He asked his brother about the loss and he was told that it was down to a problem with the lottery and a lost REM pouch.
- He had not taken any money himself and he did not think that any of his staff had.
- He had no real debts apart from business overdrafts and the retail business was surviving.

7. Mr Prakesh Patel was interviewed about these matters, on 24th April 2013, the interviews being conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice. He said:

- He had been running the post office for about 6 months up to 22/12/12 for his brother as he was undergoing chemotherapy.

- He used to work in a post office years ago but had no formal training before working in Sunnyhill Post Office.
- He had refresher training from his brother.
- On 22/12/12 he went to put a pouch together for £16,000. He scanned the pouch but put no money in it. He got distracted by people at the counter and put it on the floor. He forgot about the pouch and did not tell his brother to scan it out. He assumed that the money would be found by an auditor when the audit was conducted.
- He received no training on the lotto system and was unsure of the process to follow.
- He set up a separate stock unit, LOT, and transferred the money from AA stock unit to this stock.
- The £399.79 loss of foreign currency was his error as he did not wait for the card to be authorised before he gave the euros to the customer. The customer's card was declined.
- He made the cash declarations with Laura Smith who he used to train.
- He might have made mistakes.

Defence case

8. As set out in their interviews: Neither had taken any money from POL; They could not explain the shortages but I suspect that Prakesh's lack of training will be to the fore; The defence will be certain to want to explore other ways in which the deficiencies occurred and will be bound to point to horizon.
9. Given the very early stage of this matter no Defence Statement has been served. It is highly likely that the Defence Statement will suggest Horizon issues, and training and back-up deficits.

Prosecution response to defence

10. None thus far: case still under investigation.

Discussion

11. The defence in this case is inevitable going to focus, in part, on Horizon issues and inadequate training. I deal with each in turn:

i. Horizon

In their interviews both the defendants deny taking post office money. They will have to explain the losses and, whilst the main thrust will be addressed to Prakesh's incompetence there is bound to be a suggestion that Horizon may be at fault. In view of this I advise that both the Second Sight Interim report and the Helen ROSE report meet the test for disclosure in this case.

ii. Training

Here again the defendants, perhaps unwittingly, raise issues of adequacy. Prakesh will want to point out that even with the approved level of training serious errors can occur which lead to losses of thousands of pounds

Conclusion

12. This case is still in the investigative stage. If the defendants are charged then the duties of the prosecutor take effect and the Second Sight Interim report and the Helen ROSE report should be disclosed to the defence as Primary Disclosure.

13. Although this advice is aimed at disclosure I would add that this case will be very difficult to prosecute to a conviction. Mahesh is effectively running alibi in that he was not present during the majority of the time that the losses occurred. He will have the sympathy card to play concerning his illness. Prakesh will blame his own incompetence and lack of training. The actual

losses will be difficult to prove if he was not using the horizon system properly and was training others to make the same mistakes. The trick in this case will be to prove dishonesty over cock up and, at the moment, I am not sure that we have the material to do it.

Harry Bowyer
7th August 2013
Barrister
Cartwright King Solicitors