

POST OFFICE LTD – CASE REVIEW

R. v. RAVINDER MANKU

Investigation stage

Offence

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

Case history

2. N/a.

Prosecution case

3. Ravinder Manku was the sub-postmaster at the Chiseldon Meadows Stores, Chiseldon. He employed one member of staff within the post office and one in the retail side of the business. The post office has one stock unit
4. On the 5th April 2013 an audit was conducted..
5. The audit revealed a shortage of £7,774.95, of which £6507.98. was a shortage in the cash, £1402.15cr was identified as a difference in the stock figures, £2617.00 was an outstanding debt confirmed on the day with Product & Branch Accounting, £2.00cr was outstanding corrections not processed, £20.21 discrepancy as per office snapshot, £33.91 suspense account entries discounted.
6. Whilst they were waiting for the safe to open Mr Manku said that there would be discrepancies in the cash as he had borrowed some £6,000 of post office money as his bank had not yet given him an overdraft. His son, Jas arrived at the office with £1,500 in his hand which he said had come from the roller till which he had forgotten to transfer to the safe the night before.

7. Full repayment was made by Mr Manku by cheque to the auditors.
8. Mr Manku was interviewed about these matters on the 1st May 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 postmaster since November 2007
 - He had not received sufficient training and as a result had lost several thousand pounds through bad transactions.
 - He had taken £6000 from the post office to pay his creditors as he had been refused an extension on his overdraft by the bank.
 - He had made arrangements with his sons and would be repaying the money the following day.
 - He had never previously used post office money to support his business but had used his money to support the post office when it had run out of money before the cash delivery.
 - He was unaware that his contract said that he could not use post office funds for his own use.
 - He did not dispute that he had signed the contract.
 - He admitted that he had made a false declaration and that this was dishonest but did not feel that taking the money was dishonest as he had made arrangements to replace the money.

Defence case

9. As set out in his interview: He seems to be admitting false accounting but denies theft on the basis of lack of dishonesty.

10. Given the very early stage of this matter no Defence Statement has been served.

Prosecution response to defence

11. None thus far: case still under investigation.

Discussion

12. In my view should the defendant be charged with false accounting this case will be dealt with by way of a guilty plea. Technically we could charge theft but, in my view, this would cause more aggravation than it is worth because the defendant will assert as he does in interview that part of his problems were caused by lack of training and the losses that he incurred as a result. We would have to disclose the Second Sight Interim Report bearing in mind its criticism of Post Office Horizon training. Whether a jury would convict of theft if they thought that he was only intending to borrow the money, having made losses owing to lack of training, is debatable (Plainly were this a law student's question on theft then the borrowing of money could amount to theft in these circumstances but a jury would find convicting on a technicality distasteful - which is why we have them!)

Conclusion

13. This case is still in the investigative stage. If Mr Manku is charged with false accounting then the Second Sight Interim report and the Helen Rose report are not disclosable unless something arises from the defence statement.

14. If we charge theft then the duties of the prosecutor take effect and the Second Sight Interim report should be disclosed to the defence as it may support the defendant's contention that his training was inadequate which will go to the issue of dishonesty. As this is a case where the Horizon system is not a matter of contention – the defendant admits the amounts that he has taken – I do not see that the Helen Rose report is disclosable even should we charge theft