

ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v Vijay Parekh

Brent Magistrates Court and Harrow Crown Court

Offence and Case history

1. On 8th November 2010 at Harrow Crown Court, this defendant pleaded guilty to one count of Theft of £74,880.75, contrary to section 1 of the Theft Act 1968. On 10th January 2011 the defendant was sentenced to 18 months imprisonment.
2. Mr Parekh first appeared at Brent Magistrates Court on the 4th August 2009. The case was adjourned to 18th August 2009. On that date it was adjourned to 13th October 2009 for committal on which date it was committed to Harrow Crown Court. The PCMH was listed on the 9th November 2009 on which date the defendant pleaded not guilty and the case was warned for trial on 1st March 2010. It was removed from that warned list at the defence request and rewarned for the week of the 7th June 2010. It was removed from that list owing to witness difficulties. The trial was placed in the warned list of 8th November 2010. On the 4th November 2010 the defendant's solicitors contacted POL to say that the defendant would be pleading to the indictment on the November 2010 which he duly did with no basis being submitted. On 10th January 2011 the defendant was sentenced as above.

Prosecution case

3. The defendant, Vijay Parekh, was during the relevant period, 10/07/2006 – 30/04/2009, a subpostmaster at Willesden Sub Post Office.
4. On 30th April 2009 an audit took place.
5. On the date of the audit the auditor found a total shortage of £74,880.75 made up as follows:
 - £73,529.88 (-) identified as a difference in cash figures
 - £95.33 (-) identified as a difference in cheques on hand figures
 - £1,315.12 (-) identified as a difference in stock figures
 - £3.76 (-) identified as a difference in postage stamp figures
 - £130.36 (+) identified as a difference in foreign currency figures
 - £67.02 (-) Discrepancy as per office snapshot
 - £74,880.75 (-) TOTAL
6. Mr Parekh had given the auditors a signed note in which he said that the accounts would be £50,000 to £60,000 short and that he had been adjusting his cash to show a balance.
7. Mr Parekh, in his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 30th April 2009 said that:
 - He agreed that he had told the auditors that there would be a shortage of £50-60,000 and accepted that the figure could be as high as £77,000
 - He controlled the BM and HH stock units.
 - He had been waiting for the refurbishment of a property and owing to shortages he had been paying staff, mortgage and council tax from one account.
 - He got £8,000 per month from the Post Office and had to pay £5,000 mortgage and £3000 on staff with other expenses on top.

- He bought the Post Office in 2006 and it made a profit at first.
- There were no discrepancies showing up.
- Around October-November 2008 his problems started.
- Mistakes were occurring and he found 2 large shortages.
- One was £1300 and the other was £1400
- He deducted £300 from the staff responsible
- He started cutting staff
- Further mistakes/discrepancies brought the total to £8-10,000
- These dated to April –May 2008
- POL deducted the repayments at source
- He had to pay £6500 council tax
- He put a cheque for the £6500 into HH stock unit and took the cash out
- The cheque did not clear
- He used money for staff wages
- He inflated his cash to cover it
- He paid staff wages over 6-8 months with POL funds
- When the H stock got high he started to inflate the BM stock

Defence case

8. In interview the defendant admits taking POL money and entering false figures into Horizon both to the auditors and in his interviews.
9. Despite these admissions a not guilty plea was entered and a defence statement was served which disputed the taking of the £74,880.75, denied dishonesty, sought the exclusion of the interview on the basis of the medication that he was taking at the time of the interview, challenged the Horizon system and put some of the discrepancies down to members of his staff.
10. He disputed the totality of the loss.

11. The defendant pleaded guilty with no basis. In his Pre Sentence Report he admits the offence in its entirety in virtually the same terms as the interviews.

Discussion

12. This case was dealt with by way of a guilty plea at the eleventh hour before the trial. The defendant has admitted stealing the money to the auditors, in his interview and in the pre sentence report.
13. Whilst there is an attack on Horizon in the defence statement this does not reflect the interviews which put the discrepancies down to staff errors rather than unexplained errors.
14. Whatever the cause of the original discrepancies the vast majority of the loss, even on his own version came from this defendant's taking of the money to pay staff, mortgage, council tax and other expenses. It is difficult to conjure any circumstances where this defendant could be assisted appealing this conviction or sentence by any disclosure that we could make of the issues canvassed in the Second Sight Interim Report.

Conclusion

15. This is a case in which, had we been possessed of the material at the relevant time, we might have disclosed to the defence the matters identified in the Second Sight Interim Report during the trial process but in view of the defendant's full admissions to theft to the auditors, in interview, to the author of the Pre Sentence Report and his guilty plea on legal advice I cannot see how he can be assisted by any further disclosure that we might make

