

ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v Mohammed Luqman

Bradford Crown Court

Offence

1. On the 7th September 2010 this defendant was sentenced at the Bradford Crown Court to 12 months imprisonment suspended for two years with a 200 hour unpaid work requirement for an offence of False Accounting. The single charge alleged that on or about the 30th March 2005 he had falsified the weekly cash account for Paddock Post Office to show that the cash in hand was greater than the true figure. Costs were awarded in the sum of £500.00.

Case history

2. This case was listed before the Huddersfield Magistrates Court on 16th March 2010 when the case was adjourned... The case was next listed on 6th April 2010 for mode of trial – the magistrates declined jurisdiction. The case was adjourned to the 8th Of June 2010 when it was committed to Bradford |Crown Court. The PCMH was fixed for 30th July 2010 where the defendant pleaded guilty to the false accounting count on a full facts basis and was adjourned to the 7th September 2010 where he was sentenced as above. The Count alleging theft was not proceeded with.

Prosecution case

3. The defendant, Mohammed Luqman was during the relevant period the subpostmaster at Paddock, Sub Post Office, Huddersfield. He had been working as such for 9 years prior to his suspension.
4. On 7th October 2009 auditors attended the Paddock Sub Post Office owing to concerns over stock adjustments.
5. On the date of the audit, 7th October 2009, the auditor found a total shortage of £49,553.92 made up as follows:
 - £62.00 (+) identified as a difference in stock figures
 - £49,615.92 (-) Net Discrepancy declared from previous balance within current trading period.
6. Mr Luqman informed the auditor that he expected a shortfall in the audit but not by how much it would be short. He told the auditor that over the previous six years when a deficiency occurred in the weekly/monthly balances he would make good the shortage by recording the cash in the Post Office account without actually depositing the money.
7. In his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 20th October 2009, the defendant said:
 - He had had regular monthly losses for 5-6 years.
 - Although he knew he was contractually obliged to make good the losses he was unable to do so and would declare on the system that cash had been deposited. During this time he had been submitting false accounts to the Post Office.

- Initially he said that the losses were due to his incompetence but later said that he had been paying personal bills through the post office as he could not pay them any other way.
- He admits to paying about £9,000 of bills but not the full amount of the shortage.
- If he had not taken this course his retail business would have folded.

Defence case

8. In interview the defendant admits both taking Post Office money and false accounting to cover up losses for which he knew that he was contractually liable.

Discussion

9. This is a case where the defendant pleaded guilty at the first appearance in the Crown 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.
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. The account given is of a six year deliberate campaign of theft and false accounting to avoid liability for the deficit in his accounts.
11. No Horizon or training issues are raised directly.

Conclusion

12. 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

22nd November 2013