

A IN THE CROWN COURT
AT GUILDFORD

No: T20090070

Bedford Road
Guildford

Monday 18th October 2010

B

Before:

C HIS HONOUR JUDGE N.A. STEWART

D REGINA

-v-

SEEMA MISRA

E

(Transcribed from tape by Marten Walsh Cherer Ltd,
1st Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP
Official Court Reporters)

F

Tel No: Fax No:

MR W. TATFORD appeared on behalf of the PROSECUTION

G

MR K. HADRILL appeared on behalf of the DEFENCE

H

PROCEEDINGS ON MONDAY 18th OCTOBER 2010
(DAY 6)

Monday 18th October 2010

A

(In the absence of the jury)

MR HADRILL: Your Honour, can I say that Mr Longman will be giving evidence for the Crown and I anticipate that will only be twenty minutes or so. I will then review the submission in regard to the abuse and the computer which should be a short submission and then if the case proceeds further the defendant will give evidence so we don't have to have the warning. There may be one factual witness to be called thereafter who is relatively short, but the evidence would be expected to be concluded today.

JUDGE STEWART: Thank you.

(Jury return to court)

D

JUDGE STEWART: Mr Tatford?

MR TATFORD: Can I call Jon Longman, please?

E

JONATHAN LONGMAN Sworn
Examined by MR TATFORD:

Q. Your full name, please?

A. It is Jonathan Geoffrey Longman.

F

Q. Mr Longman, you are employed as a security adviser for Post Office Ltd. Is that right?

A. That is correct.

G

Q. How long have you been employed in that capacity?

A. Approximately ten years.

Q. Prior to that were you working in the Post Office?

H

A. Yes. I have worked in the Post Office for a total of coming up to 30 years.

A Q. Nice and loud with your voice. The jury are a long way away, and also when you give your evidence you will need to speak at a slower pace than usual because his Honour and other people in the court take a note of what you are saying. Do you understand?

B A. Okay.

B Q. The work you did prior to becoming a security adviser, what part of the Post Office were you involved with?

C A. I have been involved in all areas. I started off on the counter, did two years on the counter as a counter clerk, then worked in the salaries department, in the cash remittance unit dealing with postcodes, the mechanisation of the sorting office. It has been quite a variety of different roles in the Post Office – well, Royal Mail as it was then.

D Q. Security adviser, that means what, please?

E A. My role is to investigate any internal crime committed by employees against Post Office Ltd.

E Q. Your first involvement in this case happened I think on 14th January. Is that right?

F A. That is correct.

F Q. You were present with your colleague Adrian Morris from whom we heard last week?

G A. That is correct.

G Q. Present at West Byfleet post office?

H A. That is correct.

H Q. You had involvement with the search of her home property?

H A. That is right.

H Q. And you were also present in her interview that we went through last week as well?

A A. Yes, that is correct.

Q. But your role has continued as you have taken over the role as officer in the case.

Is that right?

B A. That is correct.

Q. So you are able to deal with any questions about the general investigation as a whole?

C A. Yes.

Q. One of the parts of your investigatory role was obtaining the personnel file for Mrs Misra. Is that right?

D A. That is right.

Q. On Friday we had a CV exhibited from Mrs Misra, I think our exhibit 13. Where did that CV come from, please?

E A. That CV came from our record office. I think it is at Salford in Manchester.

Q. When Mrs Misra took over the post office in 2005 have you been able to ascertain whether there was a stock take before she took over?

F A. Yes. There was a stock take. I obtained a document from Chesterfield to confirm that.

MR TATFORD: Can I pass up to you a photocopy of the top sheet of that document, please? (handed) Can I pass out six copies for the jury and one for your Honour, please?

G (handed to his Honour and jury)

JUDGE STEWART: Thank you.

MR TATFORD: Could that piece of paper be exhibit 14, please?

H JUDGE STEWART: Yes.

MR TATFORD: When a person takes over a sub-post office from another sub-postmaster
A does an audit take place before the handover?

A. Yes.

Q. The reason for that is what, please?

B A. It is to verify the stock and cash that is on hand and to make sure the two parties agree with the final figures.

Q. Looking at the piece of paper, this is the top sheet of the final cash account prior
C to handover?

A. That is correct.

Q. Looking at the top, in the second box down on the left, we can see the words
D “deficiency made good at final account.”

A. That is correct.

Q. And that sum was £1.88?

E A. That is right.

Q. So can you tell us how that figure came about, please?

A. Well, the auditors would have checked all the cash and stock and basically
F balanced the office from top to bottom and the result of that audit was there was a shortage of £1.88 which the outgoing sub-postmaster would have made good so that the incoming sub-postmaster would have had a zero balance, a clear balance.

G Q. Yes, because it would be quite unfair for a new sub-postmistress to take on a loss?

A. That is correct.

Q. At the bottom of the form we can see that Mrs Misra has signed it. There is an
H area for the signature of incoming agent. Is that right?

A. That is correct.

A Q. We can also see that there is a sum for the full amount of cash, stock and vouchers at the office. Is that right?

A. That is right.

B Q. £65,426.68. Is that right?

A. That is correct.

C Q. We have heard the interview of Mrs Misra where she explained that she had sustained a loss of £89,000 due to thefts by fellow employees. At that interview stage did she ever suggest that there was some computer problem at West Byfleet?

A. No.

D Q. If she had suggested such a problem what would have happened as far as the investigation is concerned?

A. If anything is suggested at interview for a reason for a loss, a cash loss or a stock loss, then that would be followed up by making enquiries with Chesterfield or whatever the appropriate department that could assist with the – so because no mention was made of a system error and it was blamed on the staff thefts there was no other investigation that took place at that time.

F Q. Thank you. Mrs Misra said in her interview, or in fact to put the record exactly right, Mr Morris said in her interview that her husband had said that they had reported a thousand pound loss to the police?

G A. That is correct.

Q. Did you contact Surrey Police Headquarters to see if they had any record of such a report?

H A. I did.

A
Q. And did they have any record on their computer system as to a report by Mr or Mrs Misra that they were the victim of a theft?

A. The report that I was sent initially was raised by an employee of Mrs Misra's.

B
Q. Yes. You asked for any report they had about West Byfleet?

A. That is correct, yes.

C
Q. Was there any report along the lines of "Mr or Mrs Misra has phoned up the police saying that her employees have been stealing from her?" Was there anything like that?

A. There was – there are two reports.

D
Q. The first report you found, did it come from Mr or Mrs Misra?

A. No. It was, I believe it was raised by one of the employees.

E
Q. All right. So we put that on one side. You may be asked more questions about this in due course. The second report you found or that Surrey Police were able to locate for you, was that a report about theft by an employee or was it a report about something else?

A. That was theft by an employee.

F
Q. What was the nature of the complaint?

A. It was again by the employee was ---

Q. Who made the call to the police?

A. It was Mr, I think it was Mr Misra.

G
Q. Yes. Is there something you would like to look at your paperwork about?

A. I wonder if I could see the report?

H
Q. Do you have your paperwork close to hand? Can it be easily located behind me?

A. I might be able to, yeah.

MR TATFORD: Your Honour, could the witness go behind me? I am so sorry.

JUDGE STEWART: Yes. Go and get it. (Pause)

A

MR TATFORD: I think you have now received a police crime report. Is that right?

A. That is correct.

Q. The date of the crime report is when, please?

B

A. It was raised on 8th April 2006.

Q. What is your understanding as to where this document has come from?

C

A. It has come from the IT department of Surrey Police.

Q. Does the document there help you as to who called the police?

A. Yes, it does.

Q. What was the nature of the call?

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A. It says that Seema Misra was the source of the call in the first place.

Q. So the call came from Mrs Misra?

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A. Mrs Misra.

Q. Right. What was her complaint?

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IRRELEVANT

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IRRELEVANT

Q. Yes. So when the police investigate it they discover it is a telephone call rather than somebody ranting and raving at the post office and they are given information as to some kind of financial dispute?

A A. That is correct.

Q. Can I move on to one final area of evidence, please, and there are some figures that you need to look at I think. You made a witness statement dated 12th October 2010. Is that right?

B A. That is correct.

MR TATFORD: Your Honour, with Mr Hadrill's permission the officer will use the witness statement to help him with the figures.

C JUDGE STEWART: Yes.

MR TATFORD: (to the witness) You made this witness statement in relation to some points that were raised in cross-examination earlier in the trial. Is that right?

D A. That is right. I think it is in relation to a letter dated 10th May that was produced.

Q. Yes. I think a letter was shown to Mr Noverre. You may not have been in court though. There was a letter about some kind of audit and you investigated that, did you?

E A. That is correct.

Q. Thank you. First of all, on 25th October 2006 was West Byfleet issued with two transaction corrections relating to the National Lottery?

F A. Yes. There were two transaction corrections issued.

Q. So 25th October 2006, two transaction corrections, and they were for what amounts, please?

G A. They were £10,208 and £13,166.50.

Q. So that I think gives a total of £23,374.50?

H A. That is correct.

Q. That was money Mrs Misra owed or was it a correction in her favour?

A. No. That is money that Mrs Misra owed.

A

Q. So money she owed, 23,300 odd pounds for National Lottery transactions?

A. That is correct.

Q. Was she sent a letter in January 2007, a letter from Chesterfield?

B

A. Yes, she was.

Q. And did that letter confirm the amounts that were going to be deducted from her remuneration to settle the debt?

C

A. Yes, it did.

Q. Are there records of what amounts were actually deducted?

A. Yes.

Q. So take it slowly. Date, January 2007. How much was taken from her?

D

A. £843.

Q. February 2007, was it another figure of £843?

E

A. That is correct.

Q. Then March 2007, £654.47?

A. That is correct.

Q. And April 2007, £2,000?

F

A. That is correct.

Q. This left an outstanding amount – I don't pretend I am doing the maths – but an outstanding amount of £19,034.03?

G

A. That is correct.

Q. Was she then informed in May 2007 that a further nine instalments of £2,000 would be deducted over the next nine months?

H

A. Yes, she was.

A Q. In February 2008 she was told that the remaining amount of £1,034.03 would also be deducted?

A. That is correct.

B Q. That is the National Lottery. So essentially over a period of time from January 2007 Mrs Misra was paying back in instalments a total sum of £23,300 odd related to National Lottery transactions?

A. That is correct.

C Q. I am now looking at the second page of this statement that you have provided. On the day of the audit that led to this investigation, 14th January 2008, there was still an outstanding amount on the National Lottery transaction corrections. Is that right?

D A. Yes. The last two months had not been paid which was £2,000 in January and February of £1,034.03, so the outstanding amount to pay off the Lottery shortage was £3,034.03.

E Q. So the auditors were aware of that debt, £3,034.03?

A. Yes, they were.

F Q. And they took it away from the deficiency they found on the audit?

A. That is right.

G Q. Can I ask you just finally about an audit because this was raised in cross-examination earlier in the trial. Did an audit take place at West Byfleet on 7th February?

A. 2006, yes, it did.

H Q. I am sorry. 7th February 2006 there was an audit. The audit we have heard about with Mr Noverre involves the auditors going in and checking the stock against the computer records?

A. That is correct.

A

Q. Was this that kind of audit or was it some other kind?

A. This was a different audit. This was a ---

Q. What sort of audit was it?

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A. It was a compliance audit.

Q. What is the purpose of a compliance audit?

A. A compliance audit is to make sure that the office is complying with different regulations such as money laundering, whether they are keeping password control within the office as it should be, dealing with all Royal Mail aspects like making sure that the letters and parcels are kept behind the secure area and not on the public side, things like that. There is no cash or stock that is verified.

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Q. So they don't look at the stock and the cash?

A. No.

Q. Is it some kind of interview, asking questions of the sub-postmistress?

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A. Yes. As I understand the sub-postmaster is normally made aware that they are going to carry out a compliance audit.

Q. So they are notified of the time and date, are they?

F

A. Yes, because there would be little point in going to the office if the sub-postmistress was not there, so generally they would be notified and then it is just asking questions and verifying that everything is – that they should be doing is being done.

G

Q. You say the sub-postmistress in this case is generally notified so that they are there to answer the questions?

A. Yes.

H

Q. Are they notified that it is going to be a compliance audit? Are you able to help on that?

A. I would imagine that they would know it is a compliance audit because normally a cash and stock audit is a surprise audit. There would be little point in doing a cash and stock unit if you tell somebody, the sub-postmistress that we were coming to the office.

B. Q. So a stock and cash audit needs to be by surprise, whereas a compliance audit actually needs not to be by surprise?

C. A. That is my understanding. There would be little point in taking, making a stock and cash audit and telling somebody that you are going because obviously ---

C. Q. Obviously what?

C. A. The accounts can then be corrected.

D. MR TATFORD: Yes. Could you wait there, please?

Cross-examined by MR HADRILL:

E. Q. I understand that in fact that you transferred from the Post Office with regard to security advisor, a role that you still have active, in 2000?

E. A. That is correct.

F. Q. You have told us that prior to that for some 30 years you worked in the Post Office, but clearly that was before the Horizon system was rolled out?

F. A. Yes, that is right.

G. Q. Because we know from Mr Jenkins that it was rolled out between 1999 and 2002, so you yourself would not have had experience operating this machinery, the Horizon system, as a counter clerk, would you?

H. A. That is correct.

H. Q. With regard to your IT technology, would it be fairly limited as well? You are there to investigate and rely upon others to give the expertise as and when required?

H. A. That is right.

A Q. Just confirm this, that Mrs Misra is a person of good character?

A. Yes.

B Q. In regard to the investigation you carried out that you obviously were not present for any training she received or in regard to any compliance auditing undertaken either on 5th October 2005 or on 7th February 2006 until you are called on 14th January 08?

A. That is correct.

C Q. You arrived following being summoned by Mr Noverre. You arrived with Mr Morris who we have heard from at about 2 p.m. in the afternoon on 14th January 08?

A. That is right.

D Q. And it has already been made aware to you that there are going to be shortages because that has been confessed to at an early stage by Mrs Misra?

A. By her notes, yes.

E Q. Sorry?

A. In her notes, yes.

Q. And also in a note, she had written out and handed to you when you attend?

A. Yes.

F Q. We have already heard in regard to conditions and bits and pieces and I will not go through all that with you, but this. You certainly did carry out some enquiries in regard to theft of previous employees with the Surrey Police. Yes?

G A. Yes. I was asked to do that.

IRRELEVANT

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IRRELEVANT

A. It is a civil matter, yes.

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IRRELEVANT

A. That is correct.

C

Q. And that was in the February of 06, and then we have Nadia Badiwalia obviously with the police involvement in the April 06?

A. Yes.

D

IRRELEVANT

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A. Yes. I am agreeing to those dates. I can't remember the exact dates.

G

JUDGE STEWART: Allegations of theft?

MR HADRILL: Allegations of theft.

JUDGE STEWART: Made by whom against whom?

H

IRRELEVANT

A A. Yes.

Q. The documentation you have seems to start from February 06?

A. Yeah. I would just need to see it. I will take your word if ---

B Q. Nothing much turns on that, but there is obviously an incident in regard to

IRRELEVANT

C Q. You have provided a copy or a copy of the CV has been provided on behalf of Mrs Misra by the Crown. You are just producing that from the file itself?

A. It is from the personnel file.

D Q. You were not present for any interview between the Post Office and Mrs Misra to say what was discussed and said about that CV or in regard to her interview which I understand took place on 31st January 05 at Hounslow Post Office?

E A. No. That would be our recruitment department who would deal with that.

Q. You cannot assist in regard to any training she received? You are solely restricted to 14th January 08 and the investigations you carry out?

F A. That is right. My involvement started from that date in January, yes.

MR HADRILL: Thank you very much.

MR TATFORD: Would your Honour just give me one moment, please?

G JUDGE STEWART: Yes. (Pause)

Re-examined by MR TATFORD:

H Q. Just so we can get the dates exactly right, can I pass up to you a copy of the crime report in relation to Mr Badiwalia's complaint, please? (handed) Just take your time to

A refresh your memory about that, please. (Pause) The date of this complaint to the police is when, please?

A. I believe it – it has been entered on 12th April 2006.

Q. 12th April 2006 is the first entry on the printout?

B A. That is correct, and it relates to an incident that happened some time between 6th April 2006 and 12th April 2006.

C Q. All right. This complaint to the police was by whom?

D **IRRELEVANT**

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F been asked it by Mr Hadrill. What was his complaint to the police? What was he saying?

Why did he contact the police?

G A. According to the police report it says that “during the times and dates stated he has been accused (inaudible) who is ex-employee of stealing the sum of £2,000.”

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MR TATFORD: Yes. Does your Honour have any questions for the witness?

JUDGE STEWART: No, thank you, Mr Longman. That is it.

A. Thank you, your Honour.

(witness withdrew)

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MR TATFORD: Your Honour, that is the prosecution case.

MR HADRILL: Your Honour, before we start the defence case can I ask for a short period just to discuss a matter with you?

JUDGE STEWART: I know you have not been sitting there very long, but it is going to be a brief pause. It is obviously an important point in the trial when all the prosecution evidence has been placed before you and it is right that Mr Hadrill should have the chance just to take stock, so ten minutes. Will that be sufficient?

MR HADRILL: I would like to raise a couple of matters with your Honour.

JUDGE STEWART: Yes. Make it fifteen. Do you need me now?

MR HADRILL: Please.

JUDGE STEWART: Right.

(In the absence of the jury)

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MR HADRILL: Your Honour knows that on Monday of last week when the case was to start I made application upon complaint that in fact there had been a failure of disclosure, certainly of material referred to by the prosecution expert, Mr Jenkins, and that related to

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information which should have been available as to failings of the Horizon system at the Calendar Square post office in Falkirk which operated separate stock units. Mr Jenkins maintained in his report that clearly those concerns could be discounted for the West Byfleet

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post office which operated a similar accounting reconciliation system.

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Matters were attempted to be resolved on the Monday night, Tuesday by reason of material which Mr Jenkins had seen in order to compile his report and reach his conclusions would hopefully be provided to the defence to be reviewed by Professor McLachlan overnight on Monday night, Tuesday morning and a meeting could then take place between the experts on the Tuesday to discuss areas of agreement and disagreement.

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The peak incident management system was the result of the disclosure together with a limited NT log and the peak incident management system report is a summary of findings of various engineers and a step by step summary of the problem at Calendar Square being resolved. The NT log which was provided as a separate document which existence we did not know until provided to Professor McLachlan on the Monday night revealed the computer information as to activity or faults of the West Byfleet post office.

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Mr Jenkins did not have the full information to hand and much upon which this report, the peak incident management systems report, relied upon the information had been archived, and Mr Jenkins was relying upon really what he had been told by others and giving an explanation of what was contained in the summary. He himself had not looked at the underlying material or seen three attached reports which should have been attached to

A this peak incident management system summary. So there a reliance upon this summary through no direct knowledge of himself or first hand knowledge and he had not investigated any part of its accuracy or the conclusions drawn. Indeed that the failing of the reconciliation problems at Calendar Square had been referred to Esher, a third party

B company and Esher had resolved the computing problem which was leading to the reconciliation problems, the reconciliation problems leading to the fact that there would be deficits recorded and this was a problem which would have been inherent in the system certainly for a significant period of time but looking at the summary certainly existed for six, seven, eight months and a problem that could easily have been affecting the reconciliations and the balances at West Byfleet.

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In fact what your Honour said was the information to be provided on the Monday night. It was deficient. It was pursued in cross-examination by me of Mr Jenkins. He accepted he had not seen any supporting documents, had not seen the reports attached which should have been attached, had not seen the raw material which had been downloaded according to this log on 22nd September 05 which could have been available to him if he had taken it from the archives but had not.

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So the Crown rely upon the evidence of Mr Jenkins to say we can exclude any problems which could have occurred similarly to West Byfleet as occurred with Calendar Square upon the assertions or accounts given by Mr Jenkins who himself cannot be confident that it is correct. Mr Jenkins has also explained to the court that he operates under a restriction because he is an employee of Fujitsu who are under contract to the Post Office and he can only comply with his contractual terms as best he can and there is no suggestion his integrity is anywhere at fault as to what he is permitted to do, bearing in mind this is a Post Office prosecution. I don't go behind that but it is not an independent prosecution at

G

H

A arm's reach from the loser company and Mr Jenkins, so we have to have concerns as to the quality of his evidence and the best he has done in regard to the restrictions he operates under.

B We have heard from Professor McLachlan who is independent and detached from this investigation who has given his evidence and has said that clearly he does accept what Mr Jenkins says, but he has a caveat to attach because it is correct to say that if he accepts totally what Mr Jenkins says after the event that there does not appear to be a problem but **C** he would wish to investigate the underlying material to confirm and he has not been able to take his investigations to a level of care, he would wish to be certain of this. He has got summaries but he does not have the enquiries and the engineer's material and the hard data **D** behind that summary. It is important information that he has not been supplied with and indeed nor has Mr Jenkins who would be in a position to obtain it because it is in the control of Fujitsu and the Post Office.

E Again the concern is raised by Professor McLachlan that if there is one peak has been identified he would wish to have information as to what other problems there could well have been at the relevant time. Mr Jenkins has said there could well have been other **F** problems but they have not been revealed to him and he has made no enquiry, and by him not making enquiry he has deprived us of having independent assessment of this important evidence, its evaluation given by Professor McLachlan.

G So it comes back to the abuse argument I submitted to your Honour in writing because it was not only apparent to me on the Monday. "D. Jenkins, that is Mr Jenkins, has reviewed the findings of those who report to him. The defence have not had the opportunity **H** to consider the base computer material." It is the base computer material which is still critical to this case. So there is a problem which can be compared – the reconciliation

A problems at Calendar Square can be compared to affecting the West Byfleet computer information or reconciliations and although the Crown say you can discard it there is in my submission concerns there has been a disclosure problem here because their expert, Mr Jenkins, relies upon third hand information from those he knows that can confirm nothing

B about the accuracy and that is a balancing act which is of concern bearing in mind the position he starts from as an employee of the prosecution. Those are my submissions. I submit that the case should be stayed at this particular stage in regard to the theft.

C MR TATFORD: Professor McLachlan confirmed that he has seen no evidence whatsoever that the Calendar Square problem existed at West Byfleet. His only caveat was that he had not seen the raw material upon which the peak incident report was based. That complaint of

D that injury is to complain about a self-inflicted injury. The defence did not ask for any material in relation to Calendar Square until the beginning of this trial even though the problem had been summarised in a clear way in March. Mr Jenkins did everything he could

E to show all the material available to him to Professor McLachlan. Your Honour may remember that when Mr Jenkins gave evidence he was not clear even at that stage what Professor McLachlan's final opinion was in relation to Calendar Square and when Mr

F Jenkins was cross-examined about the archived material there was no request following that for Mr Jenkins to try and find the archived material. I think he suggested it might take him a couple of days. If the defence really wanted that they should have pursued the request and it might be here by now, but Mr Hadrill essentially complains about a matter that if Mr Hadrill

G is right that this is a real problem it is firstly odd that it didn't raise its head clearly until Professor McLachlan gave his evidence and if it is a real problem it is the Crown say quite

H remarkable that the incident report would be compiled in such a misleading and erroneous way.

A But the real point is this. Professor McLachlan confirmed that the only person who really knows if there was a computer problem at West Byfleet is Mrs Misra, and it is not in dispute as I understand it that the Calendar Square problem would be obvious to a user of the system at West Byfleet. So if the problem still exists no doubt we will hear
B evidence from Mrs Misra about it and if that happens the Crown are put in an unfair position if there is any unfairness at all that the archived material has not been sought.

C But it has always been the case and I opened the case on the basis that no computer system is infallible. Of course problems can arise, but the person using the computer system will be aware that there are problems, not necessarily what the problems are, but at least have some idea about the symptoms. This case has always come down to the explanation of Mrs Misra. She does not have to give evidence but she gave an explanation in interview which does not cover the inflations following the time of the alleged thefts. But this case has always been about West Byfleet and Mrs Misra.

E The defence have sought to make it a case about the whole Horizon system and have conducted an exhaustive attempted audit into the system, for some reason not asking Mrs Misra what problems she found. It is not the Crown's fault that the defence took that approach. But in my submission the unfairness complained of if it exists at all is tiny and is easily rectified. The position will be entirely clear one hopes once Mrs Misra has given evidence as to whether there was a computer problem or not and whether the Calendar Square problem existed or not. The only person who has any idea about that in fact in this room is going to be her. Can I assist any further?

H JUDGE STEWART: No. Thank you.

MR HADRILL: We submit that the defendant has some prejudice by reason of lack of disclosure. It is Professor McLachlan's final conclusions to refute the suggestions made by

A Mr Jenkins are hampered and undermined, and they come from different positions, one of independently detached, Professor McLachlan, another explained as the role and the position of Mr Jenkins.

RULING

B JUDGE STEWART: Mr Hadrill renews his submission that I should stay these proceedings on the grounds that they constitute an abuse of the process of the court. No specific authority has been quoted to me because it is unnecessary. The principles which underline **C** applications of this kind are well established and the courts have to consider them not infrequently.

D In essence at this stage what I have to decide is whether this trial is an unfair trial or not. There have sometimes been authorities suggesting that it is a case of the defendant satisfying the court on the civil standard of proof that it is a better way of expressing. The test is that it is a matter of judgment for the judge to apply. The Court of Appeal has made **E** that plain recently and the Court of Appeal of course has also made plain that many of the issues that give rise to submissions of this kind can be dealt with as part of the trial process.

F I am quite satisfied having heard these renewed submissions on each side that the issues which have been raised can most emphatically be dealt with as part of the trial process and if there is any disadvantage to either party, whether it be to the defendant or to the prosecution, that is something which the jury can consider and take into account in **G** deciding whether or not the prosecution have made them sure that Mrs Misra is guilty of the offence of theft.

H The point which Mr Hadrill has referred to in his renewed submission relates to a problem which is recorded as having arisen at an entirely different post office from that which is the subject of this trial, a post office at an address called Calendar Square in

A Falkirk in Scotland, which like West Byfleet operated multiple stock units and, as the jury
have heard, an issue arose there whereby the postmaster was reporting that when cash was
transferred from one stock unit to another the computer system recorded its leaving one
stock unit but failed to record its arrival at the other stock unit and that led to an apparent
B deficit in the accounting. That was known to the postmaster who reported it.

C Mr Jenkins, the expert on behalf of the prosecution, was asked about this and over
the course of last week he obtained and made available a document called a peak incident
report which includes references to various calls made on that topic and the report also
contained a summary of the engineer's conclusions which was as I understand it to the
D effect that there was at the material time a flood of data going to the computer system which
locked it, preventing the transfer of the cash transfer into the receiving stock unit being
recorded. That in due course was corrected by a software patch which was installed in the
course of the following spring, and Mr Jenkins, operating on the basis of that report,
E concluded that it was something which had no relevance to West Byfleet because he looked
through all the data available to him for West Byfleet and found no evidence of that
problem existing at West Byfleet during the relevant period.

F That is what the prosecution say is the evidence on the point and the prosecution
argue that that is entirely sufficient for the jury to reach its proper conclusion on it.

G However, the defence argue, having relied on the evidence of Professor McLachlan, that it
is not sufficient because Mr Jenkins has not looked at the underlying material upon which
the summary in the peak incident report is based and therefore he cannot express a view as
to its accuracy or reliability, and similarly Professor McLachlan cannot accept that the
H material is accurate or reliable to a sufficient level to express with certainty that he accepts
the conclusion that Mr Jenkins arrived at. Without the hard data it is said the issue cannot

A properly be resolved and therefore Mr Hadrill argues the defendant is placed at a disadvantage.

B The prosecution argue that if anybody is placed at a disadvantage it is them because if there is uncertainty it is bound to be taken into account in the defendant's favour by the jury and Mr Tatford points out the chronology of this issue that there was a point raised about it several months ago. Mr Jenkins sent an explanation of his understanding of the position to Professor McLachlan at that time and it was only when Professor C McLachlan's final report was served shortly before the trial that the Calendar Square issue re-surfaced and for that reason any material that was provided had to be done at short notice.

D Those are contending arguments. They can be placed before the jury. The jury are E eminently well suited to form a judgment about the relevance and to put this in its proper context in the case as a whole given that the defendant's account when the audit took place F in early 2008 was that there was indeed a shortage in the accounts attributable to theft by employees which she had been aware of, which she had been seeking to put right over the course of several months, during which months she had consistently been falsifying her returns to make it appear that the shortfall did not exist. The jury can take all that into account. The trial is fair.

G MR HADRILL: Can I still ask for five minutes?

H JUDGE STEWART: Yes.

MR HADRILL: Thank you.

(Adjourned for a short time)

(Jury return to court)

MR HADRILL: Your Honour, can I then call the defendant, please?

JUDGE STEWART: Come forward, please, Mrs Misra.

A

SEEMA MISRA Sworn
Examined by MR HADRILL:

Q. Your full names are Seema Misra?

B

A. Yes.

MR HADRILL: Can you keep your voice up, please?

A. Yes.

C

JUDGE STEWART: Are you comfortable standing, Mrs Misra? If you need to sit down let me know.

A. Thank you.

D

MR HADRILL: Just to go through a little bit of your background, you used to be the postmistress for the West Byfleet post office?

A. That is right.

E

Q. And I think you used to have a store in regard to where the post office is or was situated in Station Road, West Byfleet?

A. That is right.

F

GRO

G

H

A. That is right.

Q. I think it is exhibit number 13, it is your CV?

A. Yes.

A

B

C

D

E

Q. Can we actually start at the very end because it goes in reverse chronology? We
know that Mr Tatford has asked the same questions of Mr Bayfield and also Professor

F

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A. Mmm mm.

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GRO

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GRO

B

Q. You had an interview with the Post Office. You submitted this CV. You had an interview with the Post Office?

A. Mmm mm.

C

Q. And that was 31st January 2005. You having applied to the Post Office in November 04 you get an interview with your CV in January 05. Did you explain to the Post Office your background and discuss this with them in that interview?

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GRO

Q. That is your CV. With that you go to your interview?

A. Yeah.

Q. You are questioned about your CV and your work experience, are you, in interview?

A. That is right.

Q. You are then told that you are acceptable to the Post Office?

A. That is right.

Q. And so you are put down to do a training course and you look for a post office or did you already have West Byfleet in mind?

A. In mind. We had West Byfleet in mind. We applied for West Byfleet.

A

Q. Sorry?

A. Applied for the sub-postmistress to be at West Byfleet.

B

GRO and it is advertised West Byfleet they had as a post office. You don't have post office experience?

C

A. No.

Q. There is no point buying West Byfleet unless you can get post office permission?

A. That is right.

D

Q. So you have your CV created?

A. That is right.

Q. You get an interview?

E

A. Yeah.

Q. Pass the interview?

A. Yes.

F

Q. You can proceed with the purchase of West Byfleet?

A. Yes.

Q. You have your training. When was your training?

A. It was about March 2005. I think it is earlier – about 7th March probably.

Q. Somewhere about the end of the first week of March, early March 05?

G

A. Yeah.

Q. Where was the training?

A. It was in London.

H

Q. Any particular part of London?

A. I am sure it is Hampstead.

Q. So you commute from Luton to Hampstead every day for your training?

A A. That is right.

Q. What were the hours you had to attend for Hampstead post office for training?

A. I usually used to leave for ---

B Q. No. What time did you have to be at Hampstead to the post office for training?

A. We have to be there like in the morning, 9 o'clock.

Q. What time would the training finish on a day?

C A. They didn't have any set time that it is finishing, as and when they say "that is it for day. Just go."

Q. So what time generally would it finish then?

D A. Usually I used to come back home in Luton by late afternoon, by about 2 or 3, mid afternoon.

Q. You would leave Hampstead at 2 or 3 or you would be back in Luton by 2?

E A. Back in Luton by 2 or 3, so I can be ---

Q. It was a morning's training?

A. A morning start, yeah.

F Q. How many days or weeks did this last for?

A. Two weeks.

Q. So you went every day for two weeks?

G A. That is right.

Q. How many people were on your training course?

A. Six to eight.

H Q. It varied, did it?

A. Yeah.

Q. What did you do on your training course? What did they teach you?

A

A. Starting with the products, stamps, different kind of stamps, different products, how to increase sales and on Wednesday we supposed to do balancing. We were showed to put transaction into the Horizon and watch DVD's on sales.

B

Q. Making sales of National Savings ---

A. That is right, how to link sales basically.

Q. Was that to do with advertising as well and things like that?

C

A. Yeah, what sort of advertising it can or can't use in the – on the premises.

Q. They taught you in regard to what is called the money laundering regulations about stolen money and questions to ask?

D

A. If it is suspicious that just to call the enquiry and then passports as well, DVLA, how to check and enter basically.

Q. So at the end of your two weeks did they ask you whether you felt confident to be able to deal with the Horizon system?

E

A. I can't recall any test or anything, no. We just ---

Q. No. Did they ask you if you felt happy with it?

F

A. No.

Q. So did you want any further training on the Horizon system?

A. There was another two weeks onsite training what was on the way anyway.

G

Q. So having left the classroom, we know that training was in March, was it?

A. That is right, yeah.

Q. Three months passed by. Did you have any further updates between March and June?

H

A
A. No. Sale, purchase was delayed on the Station Approach. I did ring in enquiry that I already had my training, does that mean I have to do the training again? I have been told "no, there isn't any time limit. You have done it. That is fine" so ---

B
Q. Right. So there you are. You had your training in March?

A. Yeah.

Q. We know that you take over the post office on 30th June?

C
A. The 29th.

Q. The 29th, because what happens – we have seen exhibit 14 – the outgoing landlord or postmaster signs off. You sign on. You pick up a stock of £65,000 odd and you are then up and ready to run as a sub-postmistress?

D
A. That is right.

Q. But between the conclusion of your training course in Hampstead in March and you starting on 29th June had you received any further training?

E
A. No.

Q. So the 29th June you are given the keys to the post office to run as your business?

F
A. That is right.

Q. You have now purchased the shop and everything?

A. Yeah.

G
Q. A trainer is there, Junaid ---

A. That is right.

Q. --- who is to monitor your operation?

H
A. That is right.

Q. And to help you if you need help?

A. That is right.

A
Q. Tell us what happens during the course of that first week?
A. Well, very first day, 30th June, Junaid arrived. He showed me how to set up the counters and put the bags out, put everything, he helped me, showed me how to basically like a set up should be because that was the first live day, and he asked me where is the certain like allowance and everything, he goes through me about the 40 minute safe, four minute safe and he asked me about my manuals which I didn't have.

B
Q. So basically he goes through the time delay lock on the safe with you?
A. Yeah, and ---

C
Q. He shows you how to set up your tills?
A. Yeah, like check the ID and then let people in and ---

D
Q. That is the password, is it – to check ID to let them through the door?
A. No, for ID and let the people in.

E
Q. To let them through the door into the secure area of the post office?
A. Yeah, and then just start serving.

F
Q. Did you have an operational manual?
A. No.

G
Q. Did you ask for one?
A. Auditors who transfer the office to me they mentioned this in the inventory as well, no manuals.

H
Q. Right. So when it is transferred in the audit it shows no manuals?
A. Yes.

Q. Did you ask for manuals?
A. When Junaid came in next day he said "I need to order them."
Q. Did they ever arrive?

A. Late 2005. I had this – I didn't have any information how to order them and all that, so I had to get help on it on later stage.

Q. I have shown some cards which the jury have some photocopies of in regard to balancing and so on. You had these little easy step cards?

B. A. That is right, yeah.

Q. Did you have those at the time?

C. A. That is right. That is my training, two weeks training.

Q. In March?

A. Yeah.

D. Q. So you kept those and took them to the post office on 30th June and that was your documentation in regard to how to operate the computer system?

A. That is right.

E. Q. Is that what you relied on?

A. And a trainer to start with.

Q. So what happens? Junaid is the trainer there. Did you get on well with Junaid or not?

F. Q. Junaid was like, three counter. He was sitting behind me observing how to do transaction, telling me what to, basically how to start with because after three months I was doing it first time and during daytime he just like over there. In the evening just before the close which was half past five he has gone through a card with me for the dailies, how to do dailies, so gone through the dailies.

G. Q. The daily reconciliation?

H. A. The daily cut-offs like AP's and checks and last count the cash. When we did the cash declaration we were exactly £150 short.

A
Q. Sorry?
A. We were £150 short.

B
Q. So he having sat there and observed and you serve customers, at the end of the day when you come to balance up, £150 short?

C
A. That is right.

D
Q. What about the second day?

E
A. When on the – can I say something?

F
Q. Yes.

G
A. I ask – when Junaid asked me to balance the till he said I need to put it right. I said “it is my first day. Where has this 150 gone?” His reply was “you had a balance. You had a transfer yesterday, audit came in and it is never penny to penny, so it could be just miscounting or something.” So I have to get 150 from shop and put it into the post office in front of Junaid.

H
Q. I ask – so that is the first day. You want a balance and you balance by taking £150 from the shop, putting it into the till in the post office. The second day Junaid is there?

I
A. The second, Junaid is still there. During balance we were short. It was not over £100, like we were short some money. He could not again explain. He said could be any transaction we done incorrectly. On Wednesday when we do balancing it will come right, and this mean that I have to balance the till. If it is saying short here I need to put more money in. That carries on till Wednesday.

J
Q. So that is Monday, Tuesday, Wednesday, the till short?

K
A. Yeah. Start from, we should have start from Thursday, it was like Thursday was, I think, I am pretty sure Thursday was my first day.

L
Q. I see, sorry. So you didn't actually start on the Monday?

A

A. No. I am pretty sure I definitely ---

Q. It is a Wednesday or Thursday you start?

A. Yeah. It was not ---

B

Q. So how many days was Junaid there for?

A. Till Wednesday one week until balancing, following balancing, first balancing.

Q. First balancing. So each day that goes by did the till balance?

C

A. No, never.

Q. So the end of the first week the following Wednesday were you up or down on the till?

A. Always down. I was given assurance “wait till balancing day”, i.e. Wednesday.

D

Q. So each day goes by. You are told to wait until a week has passed by, the balancing day?

A. Put the money in and wait till Wednesday.

E

Q. So you wait until the following Wednesday and what was expected to happen on the following Wednesday?

A. I was hoping to get my money back but that didn't happen. Tills were again short.

F

So then his reply was “might be a transaction error will come up later on.” I was a bit concerned. I said “you have been here all week with us. If I have done something incorrectly please let me know because it is me who putting the money into the post office.”

G

Q. So the week goes by. Did you know what the transaction errors were or did you receive anything personally? The second week, the same trainer or a different trainer?

A. No. This was Michael came in.

H

Q. Was that from a Thursday to Wednesday or Wednesday to Thursday?

A. (inaudible) Thursday.

A Q. What happened whilst Michael was there? Did he also sit behind and watch what you were doing?

B A. Yeah. He was sitting behind me, but I mentioned to him – as he come in “how is it going?” I said “not good. I am having to put money in every day to the post office.” He was more concerned than Junaid. He said “that should not be happening. Let us see how it goes.”

C Q. Did it get any better?

A. No. I have to again put money in every day and then when balancing with Michael it came round about £400 short.

D Q. At the end of the week?

A. End of – yeah, end of the balancing Wednesday. That is my first balance – second balancing in office, first with Michael.

E Q. So the first day with Michael on the second week?

A. That is right – no – yeah. That is right.

F Q. It is £400 short?

A. No, no, no. That is on the second balancing £400 short.

G Q. So that is the end of the second week?

A. End of second week.

H Q. Did you get any error corrections there?

A. No. Michael said “it is a bit unusual. I know you have been doing the transaction correctly.” Then I remember him staying behind and he made a phone call from office, I don’t know where, but he said he had been observing. We are doing the transaction correctly. He can’t understand – and they have been putting the money in every day to balance the till and he can’t understand why the £400 shortfall is.

A

Q. Right. So that gets to the end of the week. Did you get any more training?
A. Not after Michael, no, but he said he will look into it.

Q. Was that the last you heard of him?
A. That is right.

B

Q. Whilst you were training were you introduced to your area manager?
A. Yeah, that is right.

Q. Who was your area manager?
A. Timiko Springer.

Q. That is Timiko, T-I-M-I-K-O Springer?
A. T-O, yeah, I think.

D

Q. Did you bring your concerns to her attention?
A. Yes, I did, and she goes to me “what the trainer said?” and I have been told that look out for the transaction correction.

E

Q. Look out for future transaction?
A. Transaction, and I was told by trainer some time it could be up to six month the error notice comes back.

F

Q. So July passes by?
A. Yeah.

Q. Any financial credit coming back?
A. No, nothing.

Q. Are the losses increasing or decreasing?
A. Increasing, putting money in every day again next to loss.

H

Q. We know that you have an audit on 5th October 05?

A. Yeah. Basically I was keep in touch with my manager telling her how much I am losing. Within two, two and a half months the losses I was putting in, it was in – the money that I have put actually physically into the post office was about 3 grand. I have said to Timiko “I can’t carry on doing like this. I have bought the business to make money, not to lose money. I am losing money day in, day out in the post office. Please help me. I can’t take this on any more.” Then she spoke. She said to me she will speak to her area manager Angela James and try to ---

B. C. Q. We know that there is a full audit on 5th October, so you had been there July, August, September?

D. A. That is right.

E. Q. On 5th August there is an audit and it transpires that you are 3,000 some odd pounds short?

F. A. That is right.

G. Q. If you didn’t make up the shortfall what would happen?

H. A. They, I was told that, the auditor said to me that this figure will be passed to my contract manager and she will make an arrangement to take the money out of my salary “and if any, given time, Mrs Misra, any time after this if you are over £500 short you will lose your post office.”

Q. So did that cause you concern?

A. Yes, of course. I asked them “I have been told that you will look into what we doing wrong. That is what I have been told, what we are doing wrong. We are losing

A money." He said "we pass the report to my manager, contract manager. All we know, about £500 any time short then you lose your post office." That was scary.

Q. So after 5th October 2005 did the losses stop or did they continue?

B A. Continue.

Q. Right. If they continue, you had been employing in July, August and September staff to assist in the post office?

C A. Sorry? What is that?

Q. Had you been employing others to help you in the post office ---

A. That is right, yeah.

D Q. --- in July 05, August 05 and September 05. So after the audit of 5th October did you reorganise the sub-post office in regard to accounting procedures?

A. Yeah. After the audit which was not helpful(?) to buy me money then I recall for my training, two week classroom training there were different kind of post offices, crown, individual, shared, and what I had that time was shared. I thought if I got individual then at least I can pinpoint where the error coming for or which staff is not doing an input correctly.

E Q. So you decided to do what?

F A. Do the individual tills. Spoken to my manager.

Q. Who is that?

A. Timiko Springer, said still does not help, still losing money.

G Q. So anyway you want to create individual tills, responsibility for each till?

A. That is right, yeah.

H Q. Did Timiko Springer tell you how to get it done and help you?

A. No. She said she will find out how to set up individual ---

Q. And it was done, was it? They are individual tills?

A A. Yeah. I done the individual tills myself.

Q. All right. So be it. That is October 05. Let us go through the individual tills because we have seen printouts which say AA, BB, CC, DD. Then we have got an OO and an MU. AA, is that a till or the safe?

B A. That is the safe.

Q. BB?

C A. Counter.

Q. CC?

A. Counter.

Q. DD?

D A. Counter.

Q. So we have three counter tills?

E A. That is right.

Q. The OO?

A. OOH.

Q. OOH, yes.

F A. That is the Lottery.

Q. The Lottery, is that sold in the shop?

G A. Yeah, sold in the shop, yeah.

Q. Sold in the shop, but it has to be accounted to to the post office?

A. And then to the post office.

H Q. And MU, the other one?

A. There is SMI.

Q. SMI, sorry, yes.

A

A. That is the spare one from the side like.

Q. The spare one?

A. Just in case we need to use it if the (inaudible)

B

Q. Did it have stock going in and out of SMI or not?

A. We were using it quite towards the end.

Q. Why were you using it towards the end?

C

A. Because when one of the staff leave half day she pack her stuff up and bring the next stuff out.

Q. So when she packs up you would transfer that into the spare account, SMU, would you?

D

A. No. When she pack up she put her bag in the safe and then on the counter we open another unit, the stock.

E

Q. Right. So say, somebody on BB gives up, part time, you can take what is meant to be her takings and put it into the till ---

A. Into the bag, yeah.

F

Q. --- that is SMU, and then carry on using BB?

A. Yeah, that is right.

G

Q. Did that result in curing or identifying where the losses were coming from?

A. It created more mess.

H

Q. What do you mean by that?

A. First of all I was struggling with the one unit anyway and I didn't get any help to set up our four units. When Timiko ring around she came with an answer saying that there is no set procedure to follow to transfer from share two individual. She still looking into it. Then I remember a guy came in, somebody from Network something, in from the post

A office, and I said to him “the reason I want to go” – he asked me why I wanted to create more trouble for myself.

B Q. Anyway what happened, you have got assistance. Somebody was sent in from Network to help you and through that you managed to set up the separate tills, AA, BB, CC and OOH and so on?

C A. Not to set up.

D Q. How were they created then? They were kept separate, were they, on the ledgers?

E A. Yeah. Basically he came in and say like, I am just gone through basically why I want the individual, said like isn't it, I recall that isn't it easier to pinpoint where the, who is doing an error? He said “yes.” He said “that is why I want you to”, because I am losing money, he said “okay. That is fine. You can create the stock unit” and I asked how? He said “you go one stock at the moment. Just imagine three times more.” Said there is no set

F procedure or set process to do it, so while he was there I say like “what, how do we” because I was struggling already. He came with an option. He says “there is separate the stock is, either have the electronic drawers” so when somebody starting they bring the

G drawers and start working and then pull it and put it back or either the, any bags. Electronic was like expensive, losing money anyway, so I said “let us leave it” and then he went with me to the local stationer Eltons to show me the bags, what sort of bags I can use.

H Q. So basically what is going to happen is that each till will now have to have its own bags?

A. Yeah.

I Q. So as the till is emptied you can then put it into a separate bag. That bag will be labelled up with the till number and kept on a different shelf in a till or in a different bag for each ---

A. In the safe.

A. That is right.

A. More work.

Q. Why did you want to do that if it was going to create more work for you?

A. Well, it was me who was losing money putting money from shop to post office. I wanted to stop it and that is the only option I could think of to at least to find what we doing wrong and where.

Q. Presumably still employing staff to work behind the counter?

A. That is right.

Q. Who trained those staff?

A. I did.

Q. Did you have some staff which you inherited from the former post office master?

A. Yes, one.

Q. One. Who was that?

A.

Q.

A.

Q.

A.

Q.

A.

IRRELEVANT

A Q. How did they come to be employed in the shop as a whole?
A.

B Q. A.

C Q. A.

D Q. A.

Who trained him as to how to carry out procedures in the post office?
A. I did.

IRRELEVANT

E

F

IRRELEVANT

G

H

A

B

C

IRRELEVANT

Q. Who trained her?

A. I did.

D

E

F

G

H

IRRELEVANT

A

IRRELEVANT

B

C

Q. Was he doing a handwritten running account or what provided this snapshot?

A. No. That snapshot is generated by Horizon.

Q. Horizon. So you rely upon a snapshot from Horizon. Tell us how you go about doing that. What is the purpose of a snapshot?

D

A. It tells you how much cash, how much stock or how much non (inaudible) stock which that particular till or stock owner should have.

Q. So is this at the end of the day or just a part of the day?

A. No. Snapshot, it is not procedure. It is just like if I want to know how much cash you should have and do the snapshot. End of day the cash declaration, when we put the figures in, then system tells us it is short or over.

F

Q. Right. So you do a snapshot. This is the Horizon snapshot computer system. It tells you how much cash should be in the till. Yes?

A. That is right.

Q. Was there that much cash in the till?

A. That is the transfer. No, there was not. These were transferred in.

Q. So the monies had been transferred from the till, this individual ---

H

IRRELEVANT

A. It was not the same.

Q. So we have the system that the safe operates as a separate stock unit?

A. That is right.

Q. Each till operates as a separate stock unit?

B. A. That is right.

Q. And monies have been transferred to and from the safe to the till and back again?

C. A. That is right.

Q. The computer system tells you that you should have X amount of cash in the safe and the till. Was there that much money?

D. A. No, it was not.

Q. So what conclusion did you draw?

A. That he is lying to me, so I was losing money anyway so I just draw the conclusion he is the one who is playing up. This is how he is playing up.

E. Q. Were you accusing him of anything?

A. Yes. I was saying to him “money is not there how much it should be” sort of thing then.

F. Q. Was he accepting that he had taken the money?

A. He accepted. He said he will pay it back.

G. Q. So what conclusion did you jump to?

A. **IRRELEVANT**

Q. At that time did you have any concerns about the computer system?

H. A. Yeah. **IRRELEVANT** we having the losses every day in the tills into the staff own individual till, they did mention that this must be the system it is not working correctly. There must be something wrong.

A Q. So what were you doing? Were you speaking to anybody at the Post Office?

A. Yeah. I remember speaking to, telling my area manager about it.

Q. We know from looking at what we have from Fujitsu logs that certainly in early 2006 it appears that you are making complaint about losses. Is that right or wrong?

B A. That is right, yeah.

Q. We know from the last witness we heard from, Mr Longman, that in April [RELEVANT]

C **IRRELEVANT**

D Q. So he has gone?

A. Yeah.

Q. Do the losses continue?

E A. That is right, yeah.

F **IRRELEVANT**

A. Could be round about April the same thing happen. The transfer came in and this time physically no money was there. There was a transfer in the system but no physical, no money was there.

G Q. So what conclusion did you draw?

H **IRRELEVANT**

Q. What do you mean by the same route?

A. Because they transfer the money and not giving the exact money into the ---

A Q. What did you think had happened to the money?
A. I thought they have taken it.

B Q. Taken it?
A. Yeah. They got it because it is not there.

B Q. So you thought they had stolen it?
A. Yeah.

IRRELEVANT

C A. When the transfer came in, when no money was given I didn't let her into the post office, informed my area manager, and at that time, I was, **IRRELEVANT**

D **IRRELEVANT** time I was asked to cancel all the money transfer service, money gram, to cancel everything up because that is just the Pin number and anybody can ring in. I was asked to cancel that, all that, which I did.

E Q. So all their passwords?
A. That is right, yeah.

F Q. All their permissions, you just cancelled everything and they were dismissed?
A. That is right.

G Q. Did the losses stop?
A. No.

G Q. So now how much are you down roughly?
A. It would be, there is quite a lot.

H Q. We know from your police interview that you said that up to late 2006 it comes to about £89,000. Did you know how any of those losses were occurring?
A. No.

A
Q. We are told that on 14th January 2008 when Mr Noverre comes in at 8.30 of a morning he sees the sub-post office, its presentation is such that it causes him concern. The stamps are out, i.e. the manual stamps.

A. Day stamps.

B
Q. Yes. Money is still in the till and it should not be.

A. Coin hopper.

C
Q. In regard to how the post office was being conducted in regard to complying with the rules, were you complying with the rules of the post office in regard to how the post office should be left each night?

A. The mess I was in I was doing my best. I was trying to do my best.

D
Q. When did the mess first start?

A. The very first day.

E
Q. We know that the Post Office attended on 7th February 06 to do a compliance test?

A. Yeah. There was surprise visit as well.

F
Q. That was a surprise visit as well?

A. Yeah.

Q. They said it is not. It was by appointment. Was it by appointment or not?

A. No. I can't recall it, definitely surprise.

G
Q. That compliance order would not be in regard to counting the stock and the cash. It would be just to talk to you about complying with regulations?

A. Yeah, that is right.

H
Q. In regard to checking control of letters and passwords to make sure they are kept in a secure area?

A. Yeah.

Q. And to explain money laundering provisions and there would be no cash verification. Is that correct? Is that what happened?

A. That is right, yeah.

Q. So tell us what actually happened on 7th February when the compliance auditors came in. What was the purpose of the visit in your eyes?

A. They just saying they want to come in that we doing all the leaflets were correct and basically should give example, like when we do sell like car insurance if you are using the correct wordings which is what we say or any travel insurance, if we are using the correct wording basically. That is the way – there was a – there was an auditor came in on the November.

IRRELEVANT

IRRELEVANT

Q. Was this to do with their financial services?

A. Mmm mm.

Q. What, talking to you about the value of their products?

A. That is right, yeah.

Q. And making sure that leaflets were on display?

A. Yeah, if you are promoting it correctly.

Q. And advertising was up?

A. Yeah.

Q. And discussing about all those bits and pieces?

A. That is right.

Q. How long did they stay for?

A. I can't remember exactly. They came daytime. It was not before we open. They came daytime.

Q. But anyway they didn't carry out the audit and you were in a mess. Did you complain to them about your losses?

B. A. No.

IRRELEVANT

IRRELEVANT

Did you raise those things with the post office then, i.e.

C. the concerns about theft?

A. Yeah. I did mention my area manager that I got rid of Javed.

Q. But who had to make up the losses?

D. A. I did.

Q. And if you didn't make up the losses what did you think was going to happen?

E. A. Lose my post office.

Q. If you lost your post office what impact would that have on your business?

F. A. Well, I sold my business this year. If I had the post office it was valued even in recession time about 280. Because I didn't have any control on the post office I have to sell it for 60,000.

IRRELEVANT

G. A. That is right, yeah, so I lose all my money basically.

Q. During the course of 2006 were you receiving transaction correction error notices?

H. A. Yeah. The errors were coming in.

Q. Sorry?

A A. The errors were coming in probably.

Q. What could you do about those?

A. Basically by that time I was trying to ignore them. When it comes in I know the minute I accept it it is mean I am down with more money, so I was leaving it towards, some time towards the end of the next rollover because then I had no choice. I have to accept it.

B Q. Were you in a position to refuse the corrections?

C A. There was a – yeah, when there was like a big amount came in then I cushioned(?) it, like refusing the same, either accept or get evidence or I don't know what was it, and then the final stage then there is no option. Either you put cash, cheque or send it centrally and you can't just – so basically the only two option I have, paying by cash, D paying by cheque, sent it centrally but I was told like only if post office agree then we do that.

E Q. So how do you manage to balance then during the course of 2006 with these losses?

F A. I sort of basically lost. All I was doing getting the snapshot, take a figure from there and training. That is it.

F Q. When you were able to did you make any of the losses up?

A. Yes.

G Q. Where was the money obtained to make up those losses?

A. From the shop, from friends and family.

H Q. So why didn't you sell the post office during 2006 with these problems?

A. I could not because I know when the – as I sell it audit will come up and they will take the post office so –

Q. If they took the post office what was your worry then?

A. I lose everything which I did anyway in 2010 and I was given warning as well that I have to make the losses good.

Q. So was your view was there any point in arguing or not?

B. A. I was not left with any option. My thing was to make the losses up and sell the business.

C. Q. We know from what Mr Jenkins tells us that in December 06 you did challenge one correction error and in March 07. He does not know what the results were but you were meant to have not accepted and how things got resolved we just do not know, but do you know what they were to do with?

D. A. I can remember recalling one which was a big one, over 20,000.

Q. Right. So can you specifically remember what those other – it is said to be that it appears there are transaction error corrections which you responded to on three occasions?

E. A. I can't recall.

Q. But we do know because we have heard from Mr Longman because I produced a letter obviously in regard to Lottery losses.

F. A. Yeah.

Q. And we know from this statement that has been given or the evidence that has been given by Mr Longman, 25th October 2006, the post office issued you with two transaction corrections relating to the Camelot National Lottery. Do you remember that?

G. A. Yes. When I questioned that a thick bundle arrived with all the figures and all that and I rang back again and rang and spoken to. I could not actually make up how to tell you how much losses and all that. All I was told was it is my loss. I have to make it good.

H. Q. So National Lottery losses on 25th October 06 amount to, you were told they are two separate amounts, bundles, for £23,374.50?

A. That seems right.

Q. A significant sum of money?

A. It is, yeah.

Q. Did you know where it had gone?

B. A. No. I could not work out.

Q. So what happens? The Post Office say you have had £23,374.50 of National Lotteries and we have heard from Mr Longman that it is settled centrally on 21st November 2006?

C. A. Yeah. They agreed.

Q. Sorry?

D. A. Well, Post Office agreed to take out of my salary.

Q. So we know that the first payment on January 07 was to be £843, February 07, £843, March 07, £654 and thereafter £2,000 a month?

E. A. That seems right, yeah.

Q. That is what was happening. It was being taken. Did you know how that loss had arisen?

F. A. No.

Q. Do you know whether the December 06 transaction reply by you, is it relevant to that particular entry or not, or don't you know what December ---

G. A. I can't remember which period was it.

Q. That takes us to the end of 2006. How did things progress through 2007?

H. A. Well, I was, all I was planning to do put the money into the post office as and when and then basically sell the business. I didn't want to keep it.

Q. You had had enough by then, had you?

A A. Basically, yeah.

Q. During 2007 how were you settling up the loss? Did the losses continue?

A. Yes.

B Q. Did you know how they were happening?

A. No. I was not the only one look – I was just ---

Q. Did you receive any further training or monitoring of your use of the system?

C A. Never, no.

Q. Did you employ other persons to help behind the post office?

A. I did, yeah.

D Q. Who trained those persons?

A. It was just one person who was trained by Post Office, was trained by Post Office, all other was I trained them.

E Q. You trained them. We know from the exhibit bundle that there are transaction balance sheets which contain false figures and you have pleaded guilty to entering or submitting false accounts to the Post Office and they are set out, the dates on the indictment, counts 2, 3, 4, 5 and so on. You accept that you submitted false figures on those trading F balances?

A. Yeah. I know entering them saying the money is here which is not there, so it is false.

G Q. Yes. So the months go by. The Post Office Horizon system is telling you that you should have X amount of cash or stock. Were they balancing, marrying up?

A. I didn't do any checks.

H Q. Sorry?

A. I didn't do any checks to check the actual cash and all that. All I was doing print out a snapshot and entering into the system.

Q. Why were you doing that?

A. Lost.

B. Q. By doing that what were you hoping to achieve?

A. Just to make the tills go slowly, slowly, slowly and basically I get rid of the business. I lost interest basically.

C. Q. My learned friend puts it as cooking the books, but do you accept that you were putting false ---

A. Yeah, I did.

D. Q. --- you were just putting information into the system which it wanted to hear?

A. I said that in day one, yeah.

E. Q. And things continued like that?

A. Yes.

Q. Then we get to 14th January?

A. Yeah.

F. Q. Had you been obtaining money from anywhere to help try and make up the shortfall?

A. Yeah, from the shop and family.

G. Q. And any particular member of your family?

H

IRRELEVANT

A

IRRELEVANT

B

Q. But was that sufficient to meet the shortfalls?

A. Well, she help me over a period quite a lot of money.

Q. We know when Mr Noverre turns up at 8.30 on 14th January 2008 you are not there?

C

A. Yes.

D

IRRELEVANT

E

Q. To get what money?

A. To put into the bags because the bags were made up for the collection on Tuesday. This was always doing it.

Q. So what happens is that we have seen the date stamp and there are two pouches.

F One has a pouch of £14,000 and there is nothing in it. The other pouch has a receipt or printout for £13,000 and there is nothing in it?

A. That is right, yeah.

G Q. First of all, the date stamps say those documents inside each empty pouch were made on 9th January 2008. Do you agree with that?

A. That is right, yes.

H Q. When you printed out those documents found in the empty pouches why did you print out those documents and put them in empty pouches?

A. That is how I have been doing to bring the cash down and before Tuesday, my collection day, put the money in and send it off.

Q. Was there a crunch time or not, i.e. you didn't have any money so you had to borrow some money?

B. A. Yes.

Q. When was the collection of these pouches to be made so that if they were empty you would be found out?

C. A. I never send any empty pouches.

Q. No. I know you would not send any pouches, but if you didn't get the money there would be empty pouches?

D. A. That is it, yeah.

Q. So if you didn't have any money to put in the pouches you would not send the pouch?

E. A. No.

Q. What would you then do?

F. A. Never have been before, always due to do beforehand. Only the worse pouch I done couple of time when like exam – I was a bit short on the arrangement, I made money, like example I made a pouch for say, £10,000 but only manage £9,000, only then I reverse the pouch and change the figure.

G. Q. So we have heard you reverse the pouch and send back only £9,000?

A. Whatever money, yeah.

H. Q. So would you on this occasion have reversed the pouch and seen what you have got and just pretended the rest was in the safe?

A. Yeah.

A Q. So you are in Luton speaking to your sister in law. Mr Noverre we know turns up at 8.30 and we have heard from him. You arrive at about 10.30, 10.20?

A. Could be, yeah.

B Q. Mr Noverre is concerned about the state of the post office. Do you accept that there was a giro which had been left out, £1450?

A. Yeah. A banking customer would drop the money.

C Q. Do you accept it was there ---

A. Yes, yeah.

Q. --- and had not been entered?

A. Yeah.

D Q. The stamps were out?

A. Yes.

E Q. The money was still in the tills?

A. Yeah.

F Q. The trading balance which was trading period 9 which ended the Wednesday before, 9th January, had not been completed?

A. Yeah.

Q. All the administration and paperwork was undone?

A. Yes.

G Q. So he is there, and he has told us that you asked if you could speak to him privately at the back of the ---

A. Back office.

H Q. --- the back office, and you told him that it would be short by 50 or £60,000?

A. Yeah.

A Q. Was all that before the safe was opened?

A. Yeah.

B Q. So why did you tell him that there and then?

A. Because that is the reality. That is the truth.

C Q. Then we get the situation where the trading period which should have been closed on Wednesday the 9th now has to be undertaken on Monday the 14th?

A. Yeah.

D Q. You sat down and you then over a number of hours I think until about 1.25 or 1.30, you then complete trading period 9, and we know because it has been shown even though you had told them it is going to be wrong you have signed it. Why did you sign it?

A. I was asked to do so. They have to sign the balancing statement.

E Q. Then trading period 10, the short period from 10th January to 14th January, is completed and we know that initially we get the figures of £79,000. It is now down to £74,000. Did you know the loss was that great ---

A. I was ---

F Q. --- on that Monday 14th January when you went back into the post office?

A. I was assuming to be between 50 to 60 on Monday morning and then figure changed quite a lot during later on the day.

G Q. Do you know where the money has gone?

A. Well, first I was thinking because I got Javed and Nadia red handed that they had taken it.

H Q. So initially you think that they have taken it. Was that the complaint you were making to Mr Noverre and Mr Morris when they attended?

A. That is right, yeah.

A

MR HADRILL: Your Honour, I am moving on to another topic. Is it a convenient moment to stop now?

JUDGE STEWART: It is a good moment to stop.

MR HADRILL: Thank you.

B

JUDGE STEWART: Now that you have started giving evidence, Mrs Misra, the principle is that you must not say anything about the case to anybody except to the jury until your evidence is finished, so don't speak to anybody at all about the case, and that includes Mr C Hadrill and your other lawyers.

A. Just question. Can I like have my lunch together with my husband or not, but not talk about the case?

D

JUDGE STEWART: You can be with anybody you like but don't speak about the case.

A. Thank you.

JUDGE STEWART: 2 o'clock then, please.

E

(Adjourned for a short time)

(In the absence of the jury)

JUDGE STEWART: I am trying to find the defence statement. I don't know what has F happened. Is there a spare copy anywhere?

MR TATFORD: I can certainly try and find one.

JUDGE STEWART: Would you mind? There is no immediate need but just if one could be G photocopied I would be grateful.

MR TATFORD: Yes.

JUDGE STEWART: Thank you very much. We will have the jury in the meantime, please, H and we will carry on. That can be dealt with later. It may that I will put my hands on it. I don't know.

(Jury return to court)

A

SEEMA MISRA (continued)
Examined by MR HADRILL:

MR HADRILL: Mrs Misra, we were dealing with the arrival of Mr Noverre and you following behind a couple of hours later, discussing matters with him. But we have what is exhibit 5, page 13 of the exhibit bundle, a note. Can I ask that that is given to you? (handed)
JUDGE STEWART: We have got the original document here. You are talking about this one?

C

MR HADRILL: The handwritten note, AM/01. (to the witness) First of all, whose handwriting is this note?

D

A. It is mine.

MR HADRILL: We know that Mr Morris who gave evidence who cautioned you was handed two notes, this and the one that is found at page 15 of the bundle.

E

JUDGE STEWART: It is the previous piece of paper in that little group.

A. Yeah.

MR HADRILL: First of all, did you hand to Mr Morris or via Mr Noverre these two

F

handwritten notes?

A. I know it was handed over to them but who did ---

Q. It was handed over to them. Let us go through your note then, AM/01. All right?

G

A. Mmm mm.

Q. "Re I confirm in-house audit there will be around 60K £ shortage due to staff theft. It was around 89,000 and ---" – what does that say?

H

A. "Bring it down."

Q. And bring?

A. "We bring it down."

A
Q. "Bring it down to 60 £ and I want to make an arrangement to clear the balance. I would appreciate it if I can have a ---"

A. "Chance."

B
Q. "--- a chance to clear the shortage." Why did you write this note to begin with?

A. I was asked to.

Q. Asked by whom?

C
A. By auditors.

Q. That is Mr Noverre and the others?

A. Yeah.

D
Q. So you complied with their request?

A. Yes.

Q. It carries on: "I made up two cash pouches as we were borrowing some money from friends and family to fill the remittance bags up." Is that right?

E
A. That is right, yeah.

Q. Because we know the remittance bags, one for 14,000 and one for 13,000, were empty?

F
A. Yeah.

Q. If you had managed to borrow that sum it would have been put in the remittance bag?

G
A. That is right.

Q. If you had not you would put some in and returned the transaction back to safe.

Yes? Supposing you only got, say, 6 or 7,000, there is £27,000 meant to be in the pouches.

H
Supposing you only got £7,000, how are you going to conceal the missing £20,000?

A. If I managed to get the 6,000, reverse the pouches and make another one with the 6,000 and send it off.

Q. So you make up one of 6,000 and send it off and pretend that there is 21,000 in the safe still?

B. A. Yeah.

Q. "This loss is being carried forward since over a year, over last year. We put money in to make it right." So how long do you say the losses had been carried forward and you had been accounting, improperly accounting?

A. Been improperly accounting since mid 2006.

Q. 2006. "Shortage, we took over the staff from previous owner and for about one to one and a half they were running the post office with us." What is this one, one and a half? What sort of figure is that meant to be?

E. A. That is about for one year when the staff was running it basically I was in – I was there but like they were running it doing all, most of the stuff.

Q. Right. "As we thought they run it for so many years they ought to be better than us." How well did you think you conducted the running of the post office?

F. A. In what way?

Q. How did you feel within yourself? Do you think you were up to running the post office?

G. A. Not really, was struggling.

Q. Struggling. "But after a while when we learned more and more we noticed that things were in ---" – what does that say?

H. A. "Things were not right."

A
Q. “--- because things were not right. Things we notice there were 4,000 euro missing.” What is this about?
A. That is the rem came in and the, I don’t know exact what they was, like they was like a euros down while we were away. There was like euros down.

B
Q. So whilst you were away some euros were meant to have come in and you were down?
A. Yeah.

C
Q. So that is 4,000 euros and that caused a currency problem, did it?
A. That is right.

D
Q. A reconciliation problem?
A. Can recall the actual amount which was like should be on the in pouch. It is a bit less than 4,000 euro lesser.

E
Q. “Money transferred to AA.” That is the till, is it, AA?
A. That is right, safe.

F
Q. To the safe rather. “Money transferred to AA”, the safe, “money transferred to safe was shorter than actually money transferred over.”
A. “Money transferred”, yeah.

G
Q. “(3). The Lottery money was being taken from shop but never entered on Horizon.” What does it next say? “So even on the June”, even on the what site?
A. “On the shop site.”

H
Q. “Shop site”, thank you, “was low as well”, so there were problems with the Lottery monies as well?
A. Yes, and money being taken from the shop side that has not been in the system.
Q. Did you employ staff in the shop side?

A. That is right, yeah.

Q. "So we got rid of them." Who were you talking about as "them?"

A. There is Nadia and Javed.

Q. So we know that they went about April 2006?

B. A. That is right.

Q. "They promised to pay and we kept quiet. We do not want to lose the post office."

C. Is that right?

A. That is right.

Q. "(6). After that as well we received lots of error notices which we cleared." Are those the error transaction notices?

D. A. Yeah, Lottery, yeah, Lotto.

Q. Lotto. Is that the 20,000?

E. A. That is right.

Q. "Once again I want to clear all the ---" – what is that word?

A. "Losses."

F. Q. "Losses and I promise I will clear everything and will not disappoint you." That is signed at 2.25 p.m. We know that they arrived at 2.20. You drafted that note because Mr Noverre asked you, you say?

G. A. That is right.

Q. The next note, is that in your handwriting, AM/02?

A. It is not.

H. Q. Whose is it?

A
IRRELEVANT

IRRELEVANT

A

A. No, on the same day in front of auditors.

B

Q. The same auditor, the same day, but just got the date wrong. Then having handed those notes in we know that if we turn to page 20 of the bundle you had been told you could have a solicitor present. You didn't want a solicitor?

C

A. No.

Q. Ever been in trouble before?

A. No.

Q. You answered all their questions?

D

A. Yes.

Q. We have your interview which is set out therein. There are a couple of other things which were dealt with. One is that they asked you to sign authorisations so they could research your bank accounts. Did you sign those?

A. That is right, yeah.

Q. They asked that they search your home. You permitted that?

F A. Yeah.

Q. And the interview was conducted where you gave your answers?

G A. That is right.

Q. There you tell on the first page at 5.23, you explain the circumstances leading up to this. They tell you the losses are around £79,000. Did you know what the losses would be at the time?

H

A. Yeah. It was basically at that point I was moved out of the post office after the audit done and so that is it, finished with the audit, and then it was a final figure, 79 I was told.

B. Q. That is what you were told?

B. A. Yeah. It was – and they were just waiting for new sub-postmaster to come, so I was cleared out from there. I was not supposed to leave before that and then to clear.

C. Q. Can I ask you this because you have told us that you went to Luton to get some money. Who did you go to Luton to go and see?

D. **IRRELEVANT**

E. Q. How much money were you hoping to get from her that morning?

F. A. It was basically, because she got shop so whatever over the weekend taking, after the weekend taking whatever she needed for her banking or the cash and carry she would keep it on site or whatever spare she would have she would have given it to me.

G. Q. Did you get any money?

G. A. No. I had a call.

G. Q. Sorry?

H. A. I had a call beforehand.

H. Q. So you returned to West Byfleet?

H. A. Yeah, I did.

H. Q. So did you take any money back with you?

A. Coming back, no.

Q. We know that you handed over from the shop £475?

A. That is right, yeah.

Q. Your note which you completed they tell you, it is read out and on page 3 which is handwritten page 22, you said that one person left owing 3,000 and £4,000 losses from the till. Others had left the country. Who were they that had left the country?

Who were the persons who had left the country?

IRRELEVANT

Q. "One left February 06 and others left at the end of 06." You were asked how much money was missing at the end of 06 and you say "it is around 89,000 to 90,000." Is that correct?

A. Yeah. That seems right.

Q. How were the monies then reduced from 89 to £90,000 to the £74,000 which we now know is the loss in the indictment?

A. I have borrowed from family and on the like shop side like to this taking, whatever I needed for tomorrow, all the excess I was putting in the post office and whatever I needed on the shop side for banking or cash I was keeping there on the side and that was going in the post office.

Q. At 18.19 on the interview it says "you confirm that you completed the balance paperwork and there are six stock units."

A. Yeah.

A Q. "The staff declare the cash and stamps in the tills." You say that when you took over there were combined tills and they could not identify who was having losses. You changed the system to individual tills. So you are volunteering this information at the early opportunity. Is that right?

B A. Yeah.

C Q. You have given an explanation of how the cash is declared. You then talk about the £20,000 Lottery error. We have seen that now produced by Mr Longman. Effectively the cash, you say over the page at 23.55, "just make it up like how much it should be and then try to balance." So what do you mean by that, "just make it up like it should be and then try to balance?"

D A. I was not doing a proper balance like counting and entering it. I was just getting a snapshot and just work out how much it should be and accepting that I got this much and entering that figure which is showing on the snapshot.

E Q. You are then at 26.15 on page 23 taken through the trading statements, 14th November until 15th December. It is exhibit page 11 if we want to look at it. Then the further figures are exhibit pages 36, 39, 32. You accept that they are all false figures?

F A. That is right.

G Q. Why were there false figures being put on those trading statements?

A. I know. I was just accepting them. I know them when it is the same, like this much money you should have and I know that money is not there. I still roll over, accepting yes, I have got this much money, so I accepted that. I know I have done it.

H Q. So you were declaring signing off to the post office that you would have X amount in cash and you knew you didn't have X amount in cash?

A. That is right.

A

Q. So you knew you were making a false statement. Is that right?

A. That is right, yeah.

Q. What was the purpose again behind making those false statements, to do what?

B

A. To basically save the post office, save my business.

Q. Then it carries on. You then tell the Post Office at 33.11 on page 24, you are asked what would have happened if you had shown the losses and you reply "they would have taken the post office away from me because the staff is my responsibility."

C

A. Yeah.

Q. When you say "the staff is my responsibility" what did you mean by that?

D

A. It mean any losses occurred either by staff or me that is my responsibility. I have to make it good.

Q. You accept it was not an honest thing to do?

E

A. Yeah.

Q. And that you are hoping to get the money. Just to conclude then, w **IRRELEVANT**

F

A. Mmm mm.

Q. He then runs it with staff and you have nothing to do with the post office thereafter although it is within your shop because you are suspended and you continue to run the convenience store as best you can. Is that right?

G

A. That is right.

Q. Paying back, have you paid any monies back?

H

A. After the audit I have paid £475 on the audit day and I send £500 cheque after the audit.

Q. Why have you not paid the rest back?

A A. Sorry?

Q. You are contractually due to pay the rest. Any shortages you are contractually due to pay. Why have you not paid the 74,000 and some odd pounds?

B A. No. It has been like as much as I could arrange that time, so I had like a 500, I send the cheque off and it has been cashed.

Q. But have you been able to pay anything since then?

C A. No. Then in October – December 19th it went to the court.

Q. You were charged?

A. Yeah.

D MR HADRILL: Thank you.

Cross-examined by MR TATFORD:

E Q. I just want to understand your evidence if I may. Do you say the losses continued throughout your whole time at the post office?

A. From the day I took over?

Q. I am sorry?

F A. From the day I took over?

Q. Yes.

A. Yeah.

G Q. To the very end?

A. Yes.

Q. Yes. That is what I thought. Do keep your voice up. I am quite close to you.

H A. Sorry.

Q. It is obviously difficult giving evidence and everybody understands the difficult position you are in, but it may help you actually if you look straight across at the jury

A because otherwise because I am close to you we get involved in a little chat together and they cannot hear.

A. Okay. That is fine.

B Q. So nice and loud, please, because if the jury cannot hear you there is little point you giving evidence quite frankly. All right?

A. Okay.

C Q. So the losses continued, at the same sort of rate each month?

A. Well, it, after the individual tills it was gone a bit higher up.

Q. Yes. But the losses continued. Was it each week you were finding money going?

D A. Every day it never balanced. Every day was not balancing up.

Q. Every day it was not balancing up?

A. A cash declaration every day.

E Q. So every day you were low?

A. Yeah.

Q. Right up until I suppose that Saturday, the last working day before the audit?

F A. Well, I basically stopped doing a proper, proper check like counting and entering it as of mid 2006. All I was doing to get this natural figure, checking the amount it should have been there and that is it entering it.

G Q. All right. I just want to understand exactly what you are saying about your inflations. Do you have a copy of the jury bundle that can be given to you? If not I have got a spare copy.

A. This one?

H

A Q. No. That is not the jury bundle I think. I have got a spare copy here. It is not as neat as it might be but it is the jury bundle. (handed) I want to have a look at some of your branch trading statements, please. Could you turn to page 28?

B A. Yes.

B Q. As has been said a number of times, the printer at West Byfleet often didn't work very well, no criticism of you, but you can make out I hope some of your dishonest totals that you have admitted to. You see "cash on hand", the fourth block down?

C A. Yeah.

C Q. That reads £27,993.

D A. That is right.

D Q. And then 13,000 for the amount straight underneath that.

D A. Yes.

E Q. Those are counts 2 and 3 on our indictment, so those are inflated figures. Yes?

E A. Yes, that is right.

F Q. Also in your interview, if you look up at the second row and look across at the second column ---

F A. Yeah.

F Q. --- you can probably just make out a figure £106,000?

G A. That is right.

G Q. And you admitted in your interview that was a false figure?

G A. That is right.

H Q. So this is a branch trading statement from the very end of 2006, so by this stage you had put a stop to the thefts by employees?

H A. Mmm mm.

A
Q. Yes?
A. Yes.

Q. You sacked them?
A. That is right.

B
Q. You had got no reason to doubt the other members of staff that you went on to employ?

C
A. Well, I was keeping a close eye but at the same time I was just wanted to make it good and get rid of the business.

Q. Yes, but by this stage you were strictly following individual stocks, individual user names, individual passwords. Yes?

D
A. Yeah.

Q. So it was easy to see if somebody was stealing by this stage?

E
A. Yeah. The transfers were in a mess but, yeah, we were calling individuals.

Q. I am sorry?

A. The transfers were in mess to start with but we were calling individuals, like coming in and out of the tills they were in mess to start with.

F
Q. All right. I am focusing at the end of the period if I may because most of these branch trading statements are actually towards the end of the period. By December 2006 you have sacked dishonest staff. You have ensured that people use their passwords and their user name. Yes?

A. Yeah.

H
Q. And we have got these false figures. So it may be helpful to turn the page over to page 32, but if you hold it like that, Mrs Misra, you can make the comparison between the two documents. Do you see what I am doing?

A. Yeah.

A MR TATFORD: But you just take your time to do that and make sure you have got it like that, because the next branch trading statement is, forgive me, it is 16th May. It is rather hard to see that, but the index says 16th May. We can see here ---

B JUDGE STEWART: I have written on it 16th May to 16th June.

MR TATFORD: Your Honour, that is right, yes. Thank you.

C JUDGE STEWART: Yes.

MR TATFORD: (to the witness) If we compare the figures holding one above the other, cash on hand has gone up from six months earlier. It was 27,000. It has now gone up to 35,000. Yes?

D A. That is right, yeah.

Q. And “all currencies awaiting collection”, that has jumped up to 40,000 from 13. Do you see?

E A. Yeah. That has got there.

Q. Also you can probably make out that other figure that you accepted was a dishonest figure for page 28. That figure on page 32 we can just make it out, it has gone up to 111,000.

F A. Yeah.

Q. So the figures are going up. Do you see?

G A. Yes.

Q. Is the reason the figures were going up because you had to fill an increasing hole in the accounts?

H A. I didn't check actually the stock and cash. Whatever is there I was ---

A Q. All right. Let me ask it another way. For instance, for currencies awaiting collection it is 13,000 in December. Then it is 40,000. So it is a big jump, £27,000 up. Did you have £27,000 extra currency or have you inflated the figure by that sort of amount?

B A. By mid 2006 I was being making the figures up.

B Q. You were making the figures up?

A. Making it up.

C Q. So is the jump because of your involvement or does it reflect more cash in the office?

A. Could be the more cash as well because it could be more cash into the business as well. That is more cash going out.

D Q. But it is your cash though, isn't it?

A. My cash. Well, like the rem out cash is going ---

E Q. Yes. Let us put on the side any money we are using to pay it back. I just want to understand what you were doing because these are your figures. Yes?

A. Yeah.

F Q. There is a jump, you see, that if you add the total, 27,000 and 13,000 in December it is more or less £40,000?

A. Yeah.

G Q. The two figures if you add them up for six months later it is £75,000?

A. Yeah.

H Q. So there is a £35,000 jump. You are putting figures in to fill the hole in the accounts. Yes?

A. Well, I have taken the figures from the snapshot to fill it in.

Q. Yes, but you work out from the snapshot how much you need to increase it?

A. No, just if it is a 70 there I would have said declare that I have got 70 there sort of thing, but the figure is there. I am taking the figure from the snapshot.

Q. Yes. I am quite happy to accept the snapshot will help you do the sums.

A. Yeah.

B. Q. But you have got to put in figures that fill the hole. Yes?

A. Yeah. I didn't get to fill the hole?

C. Q. There is missing money?

A. Yeah.

Q. In the end there is nearly £75,000 missing?

A. Yeah.

D. Q. You inflated the figures so that there didn't appear to be money missing. Yes?

A. Mmm mm. Yeah, that is right, yeah.

E. MR TATFORD: Right. So it looks like you have used a plug. If you imagine a sink and a hole in a bath and a plug to plug the hole, to plug the hole in December you have put those figures in that add to £40,000 and also a figure 106,000, and adding them together that gives an indication of the plug to fill the hole. Do you understand?

F. A. Not really. Basically –

JUDGE STEWART: I am not sure I do quite understand that analogy.

MR TATFORD: There is a hole in the accounts. Yes?

G. A. Yeah.

Q. There is missing money. The money is going missing. If you enter the figure correctly the computer will realise money is missing so you need to put in false figures.

H. Yes?

A. That is right, yeah.

A

Q. You need to put false figures to fill the hole?

A. That is right, yeah.

B

Q. All right? So you are putting false figures, a total of £40,000 for cash on hand and all currencies awaiting collection, that is the hole you are filling there, but the figures have jumped six months later to a total of 75,000. Is that because the hole is getting bigger?

A. I didn't do any balancing. I didn't physically check up how much is it going up. Like, example, if I done a snapshot it has come to 70K I didn't look at how much I have got it or how much difference is. I just put 70K in there. Yes, I have got 70K. That is how I did that.

C

Q. But do you see how the figures are rising dramatically? Are they not rising because you are continuing to sustain losses which you are trying to hide?

A. I didn't have like exact figure or something. Like I say, I didn't physically count that it is the 70 there, how much I put physically in, on the cash in here.

E

Q. Let us perhaps try on the next month. You see though the other figure as well, the currency rems in the suspense account. It has gone up from 106 to 111,000. Do you see how all these false figures, they are rising?

F

A. It could be the more cash coming in as well.

Q. All right. I am asking you about your figures, you see.

G

A. It could be the more cash. It is a busy office. It could be the more cash coming in.

Q. Right. Have a look at page 36 and this one is a bit clearer. The figures jump up again. It may be possible to have three overlapping. The figures jump up. If you add up the first two, cash on hand carried forward on page 36, cash on hand carried forward 39,000, all currencies awaiting collection, 60,000.

H

A. That is right.

A
Q. So now we have gone from 75,000 total to 99,000. Isn't that because the losses are continuing to grow so you need to put further false figures in?

A. That does not mean that we don't have any money in the post office.

B
Q. I am not saying you didn't have any money, but it is a false figure. It is an exaggeration?

A. Yeah. That is what I am saying, it is false figures.

C
Q. Were you getting in lots of extra money into the post office?

A. Sorry?

Q. Were you getting in lots of extra money?

D
A. We never ordered any money from the rem people. Like only change, only things we were getting from rem were the coins and every now and then £5 notes.

Q. All right. So you are not ordering ---

E
A. We didn't order like too much currency from the post office. It is mostly going out.

Q. Fine. That is what I wanted to check. So there is no extra money coming in?

F
A. From post office.

Q. From the post office?

A. It is the coins and £5 notes. The coins come every week as well.

G
Q. You are not getting deliveries of 35,000 extra pounds from the cash centre unit, are you?

A. No, no.

H
Q. No. So these figures are going up, are they not, but not because a lot of extra money is coming in, but because the loss is continuing and you are having to inflate the figures more?

A. And it is November, December time period as well. It is quite a busy time period.

Q. All right, Mrs Misra. These are your figures. I am just asking you to explain them.

A. Yeah.

B. Q. Have a look at the top one, page 36. It has gone up from 111,000 to 140,000 in the suspense account. Why has it gone up?

A. That is the currency waiting.

C. Q. Currency in suspense.

A. The currency ---

Q. Prior to this it has been 111,000 and six months earlier 106,000.

D. A. It is ---

Q. There is no money coming in so why are the figures getting bigger?

A. No. The people coming in, it is like a banking and rem and all that and all they – we do take banking from local businesses. People come – it is quite a busy post office, more money coming in the post office, not from post office, from the customers.

E. Q. Why do you say the losses were continuing then? If what you are saying is right they would have stopped. There is no need to carry on the inflations.

F. A. Well, I have been putting money in. I don't do any balance, like after mid, after 2006 I stop to check and do any physical checks, so that is why I was hoping to get the 50, 60. I didn't have any mind that the 79 came up, but that was I was hoping to find 50, 60, so all I just check these on the figure on the snapshot, then put the money in and that is how we got the figure 89 and 50, 60.

G. H. Q. You see, the difference is £50,000 between cash on hand and currencies awaiting collection.

A. That can be varies, it depend how much more cash coming in. This was a busy time period, so more cash coming in. There is more cash needs going out.

Q. Right. Let us approach this from another way then. How much money did you lose in 2007?

B. A. 2007?

Q. Yes.

C. A. I didn't do any balancing as of mid 2006. I didn't do a proper balancing.

Q. But it is your money. You are putting your own money in?

A. Yeah.

D. Q. Didn't you want to keep a tally of how much of your own money you were putting in?

A. I did tally for like, for first couple of months. When it is getting more and more in a mess I just gave up. I just wanted to make it right and sell the business. I didn't want to E. keep it.

Q. That is what I am going to ask you. You are running a business?

F. A. Yeah.

Q. There is no point running a business that is making a catastrophic loss, is there?

A. No. That is why I was a bit concerned from day one.

G. Q. Right. So should you not keep a tally of how much of your own money you are using to put into the accounts because a stage will come when it is just not worth keeping the post office?

H. A. Yeah. I did tell like everything three months or so was 3 and a half grand and then I raise my hand and I can't carry on doing like this. That is when the – my area manager and

A her manager, they just said okay, we get the audit done and find out like if we had done anything wrong.

B Q. Yes. I am going to ask you about that in a little while. But can you help us? If you cannot say how much of your own money you put in, how much money did you borrow from your sister in law?

C A. I borrowed from her about 22, about 22,000.

C Q. £22,000, and have you paid it back?

C A. I paid her like a little bit of money last year back and some this year. That is it.

D Q. **IRRELEVANT**

D A. Yes, she is, yeah.

E Q. All right. Perhaps it is a matter that can be looked at later. But with all these losses you had to make good with your own money every single day were you actually making any profit by running the post office?

E A. By running the post office? Only at one date if I have the post office, when I sell the business I will get the full sale price, not like which happen, what happen now.

F Q. You are making losses and you don't know why?

F A. Mmm.

G Q. You are making a loss on the post office, are you not? You are not making any sort of profit at all?

G A. Well, I am supposed to make the till good. It is my responsibility that I have to put the cash in.

H Q. I appreciate that, but I am just asking you about profits and loss because you wanted to be a sub-postmistress. Yes?

H A. Yeah, I was, yeah.

A

Q. Yes. You wanted to do it?

A. Yeah. That is what I applied for.

Q. You were not forced to do it by anybody?

A. No, no. I applied for myself.

B

Q. So you want to do it to make a profit?

A. Yeah.

Q. But in fact from day one you are making losses every single day?

A. Yeah.

Q. You say "I realised I was making losses so I wanted to sell the business." Fine.

D

Why not try and sell the business a long time ago, after a couple of weeks if you were making these losses?

A. No. After a couple of weeks when I approached post office I was offered help that, no, we will try to help you to get this sorted. What happened the audit came in and gave me another 3,000 figure, whatever figure on top. So should give an example here, yeah? So like I bought the business for 200,000. That is the post office and the shop.

E

Q. Yes. I wanted to ask you that. £200,000 is the price of the whole shop, not just the post office?

A. Whole business.

F

Q. So it is a Costcutter shop?

A. Costcutter and a post office.

Q. And it is actually quite a big shop, isn't it?

H

A. It is, yeah.

Q. It is not just a little corner shop?

A. It is not, no.

A
Q. The shop is probably about the size of this courtroom, perhaps not as wide, a little bit longer though. Would that be right?

A. No, a bit more, a bit bigger.

B
Q. A bit bigger than this?

A. It will not be that, is it, wide, yeah. It will not be wide, but it is long way.

Q. So it is longer than this court but not as wide as this court?

C
A. Yeah.

Q. So it is not a small concern?

A. It is not.

D
Q. You buy the shop and the post office for £200,000?

A. That is right.

GRO

E
A. Outstanding.

Q. Yes, and you are saying by December 2006 you had already made a loss, if your interview is right, on the post office alone of £89,000?

F
A. Mmm mm.

Q. Didn't you think you should have stopped trading in the post office a little before your losses rose to £89,000?

G
A. Like now I sold the business without the post office and I got 60,000 for it and actual whole business value including the post office even in this time the valuation, if I had the post office as well, if I am selling post office and a convenience store that would be 280, up to 280, 250, 280. That is the price I would have get if I have the post office. But I lost the post office so I got 60,000 for it, so it is like 190,000 loss for me, isn't it?

A Q. But, Mrs Misra, does there not come a point where the losses are so bad on the post office there is just no point you running it at all?

A. Well, I can see here like the losses. I know the losses, you know, I have to put it in money in there, but if I just give up I lose everything.

B Q. You would not lose everything. You would still have the shop?

A. So that is what I got 60,000 for.

C Q. And you could actually rent out the post office for somebody else to ---

A. That option didn't get never ever open to me. I was never – you will lose the post office. It mean that you will just lose the post office completely.

D Q. Mrs Misra, your contract with the Post Office allows you to resign, does it not?

A. This mean I don't have any post office. I lose the equity then.

Q. Yes. You can give three months notice, can you not, to resign?

A. Okay.

E Q. But it is still your post office. You can resign and rent it out to somebody else?

A. I didn't know that. I didn't know that.

F Q. You didn't know that?

A. I didn't know that. If I knew in first audit that by taking the post office away means putting somebody else as like tenant in there this mean it is still my post office but it is like a tenant, it is his responsibility, I would have done that.

IRRELEVANT

G A. Yeah.

H Q. Yes. So you did know?

A. No. That is the post office offered me on 14th January 2008 that ---

IRRELEVANT

A. He has been paying us 14th January 2008. That is the offer was done by over the phone that if it is okay, that you are suspended now, do you want a temporary sub-postmaster in there? We will pay you rent.

B

Q

IRRELEVANT

A

Q. Did you not know that was possible until January 2008?

A. No, I didn't, no.

C

Q. But it is set out in your contract, isn't it?

A. Okay, no. I didn't know that. If I knew that I would have done it. I didn't know that.

D

Q. Because you might have thought to yourself, might you not, "it is just not working for me. Maybe it is just me. I can't work this system. Why don't I just resign my position and then rent the post office out to somebody who can use it?"

E

A. It never came to me. Only that option only came to me on 14th January 2008 that he would be there and just pay me rent. Before that I wanted to sell it. I didn't want to keep it. That is, that was for sure.

F

Q. So were you completely astonished when it turned out you could rent the post office out?

G

A. Yeah. That time when the option like you want to rent it out, if I knew that the case.

H

Q. All right. I want to try and get to the bottom if we can as to how much money you actually lost in this post office because you say the losses continued throughout the whole period. You are up to £89,000 after 18 months, right, June 2005 to December 2006. So 80,000 over 18 months. You have got it for another year. Yes?

A. Yeah. I had it until 14th January 2008.

Q. So if you are losing £80,000 in twelve months, another year, presumably you had lost something like 40, £50,000 in 2007?

A. Well, no. Actually I lost 190.

Q. 190?

A. Yeah, because my business is 280 but I didn't have any extra and my post office does not belong to me and I have only got 60 for my business, so I lost all that.

Q. I am not asking you that, Mrs Misra. Mrs Misra, if you listen to my question and then just try and answer the question I am sure it will be a lot easier. You lost £89,000, according to your interview, in a year or, sorry, 18 months. That is six months of 2005 and twelve months of 2006. All right? You have told us the losses carry on, so assuming they carry on at a similar rate you are going to lose 40, £50,000 in 2007. Would that be right? Is that how you remember it?

A. I can't, I can't – I didn't, I have got a figure 89 from the snapshot as well, all mind I was working two worlds, like putting more and more and more money in.

Q. But after you got the £89,000 figure you rather gave up and just put whatever figures it was necessary to put in?

A. No. I just wanted to like do it right and then sell the business off.

Q. Right. But to carry on trading for another year after accruing an £89,000 loss on the business was crazy, was it not?

A. It was told it was my responsibility to make it good.

Q. The post office, you sold it for £60,000?

A. No post office. I sold the ---

Q. The whole business, the shop, I am sorry.

A. Just the shop.

A. I don't know.

A. No. Altogether I was told it was like a – that shop with the post office, that amount of salary which I left with, if that is against me by 250 to 280.

Q. So how much do you think the post office on its own was worth?

A. I don't have a clue.

Q. Can you not give us some idea? It is your business, you see.

A. Yeah. So I only got 60 for the shop.

Q. So the post office perhaps is worth £140,000?

A. Yeah, could, I could ---

Q. 200,000 minus 40 – 160,000?

A. At 200 I paid for it. It was value as ---

Q. Yes, £200,000.

A. --- as a new valuation in 2008 it was like, it could have been like 250 to 280.

G. All right. Let us assume the whole thing is worth 280,000 at the end of 2007. You had made a loss the year before of £89,000. I just wondered why it was worth continuing with the post office at all for an extra year?

H. It was my responsibility to make it good, put the money in, and so that is what I decided. I put the money in, then sell it off. I didn't know I was going to sell it beforehand

A

and get like – if I just move away from it, lose the post office which I have done 14th January, I lost everything basically.

Q. You lost everything because you sold the business. You lost the post office because you did all this false accounting, didn't you?

B

A. I was forced into it.

Q. You were forced into it? I am so sorry. Could you explain that?

C

A. Sorry. I didn't have any choice.

Q. You had a choice. Actually under your contract you had a duty, did you not, when you were aware of the theft you were supposed to report it both to the police and to your area manager?

D

A. When I was losing money that is what I was doing.

Q. You didn't report this to the police though, did you?

A. No. When I was losing money I informed the post office anyway.

E

Q. You didn't tell the police about the thefts, did you?

A. To me my manager is like, my manager is my point of call. I am just telling them and I don't know what is my rights, sir.

F

Q. Mrs Misra, a simple question. Did you tell the police that your staff were stealing up to £89,000 from you?

A. Not to the police, no.

Q. You didn't report the thefts at all to the police?

A. I reported when I caught Nadia red handed with 1,000 transfer.

Q. We have heard the police reports ---

A. 1,000 transfer.

Q. Mrs Misra, we heard the police reports this morning.

A. Mmm.

Q. The first time the police were told anything about thefts it was not you reporting

IRRELEVANT

A. I reported it by mid, round about April 2006, £1,000

IRRELEVANT

IRRELEVANT

Q. But, Mrs Misra, I will show you your contract if you really want to see it, but are you not bound by your contract to tell both the police and the Post Office even if you have a suspicion that there is some dishonesty going on at the office?

A. I didn't, I didn't know that I have to inform both of them. I didn't know that.

Q. All right. I will see if I can find a copy. Let us see if we can move on to something else. Just the way this business was working, did it not occur to you that by putting money in throughout the two years, seven months and the losses continuing all you were really doing was pouring water into a sieve?

A. All I was aiming to do like just to balance it up and then sell the business. That is all I was aiming to do. Could have been just the near the figures reduce down I would have sell it, sell the business. That is what I was aiming to do.

Q. But if you sold the business, Mrs Misra, let us look at this. When you sell the business you have got to do a stock take, have you not?

A. That is right, yeah.

Q. Because that is what happened to you and there was a deficiency of £1.88. So you could either sell the business and the deficiency would come to light or before you sold the

A

business you would have to make good the whole deficiency. Is that what you were planning to do?

A. Well, I didn't know how much losses. It says 180, but I had a loss very first day

B

150. If I managed to like put all the money in could have been selling and sell the post office over, it would have seen my final statement as well the losses whatever they were. It would not have all these figures in.

C

Q. Mrs Misra, I am sure we would proceed far more efficiently if you try and listen to the question and try and answer it. All right?

A. Okay.

D Q. You say you started false accounting in the middle of 2006?

A. That is right.

Q. But you were suffering losses from the middle of 2005?

E A. From 30th June 2005, yeah.

Q. From the very beginning?

A. That is right.

F Q. So how did you hide those losses?

A. 2005 like I was putting the money in till October when they came in there was more loss. It was 3,000 something and that was deducted from my money as well, my salary as well, and after that I was just like all the excess cash I had I just was putting it into the post office.

G Q. So you initially tried to make good all these losses but you gave up doing that in the middle of 2006 and you just fiddled the books from then on?

H A. That is right, yeah.

Q. Didn't you do anything to try and understand why these losses were occurring?

A

A. I did for six months but I could not make anything.

Q. I want to ask you why you were so unsuccessful in that?

A. I don't know. I could not see.

B

Q. You have heard the evidence of Mr Vasarmy and he has explained how when he sees a loss he is able to find the cause of it?

A. Yeah. That is the experience count.

C

Q. He is more experienced than you, is he?

A. He probably more experienced.

D

Q. Right. Let me ask you about your experience and your training because I want to understand what you are saying about that. Did you understand the training you were given?

A. The two weeks classroom training?

Q. Yes.

E

A. You went to it, yeah.

Q. Did you go to it and understand it?

A. We gone to it and given a couple of transaction to do and balancing as well and---

F

Q. Could you do it? Could you do the transactions and the balancing?

A. I could sell this on the Horizon.

Q. Could you do the balancing?

G

A. I was just like it was done, it was done over, in the training period.

Q. Mrs Misra, a simple question. When you were asked to balance the account in your training session could you do it?

A. I can't remember.

H

Q. You cannot remember?

A. I can't remember. I know we done the balancing in the training period.

A

Q. Did you understand what you were being taught about Horizon?

A. It was not taught about Horizon. It was about the products, products and services and how to enter it in the system.

B

Q. Forgive me, Mrs Misra. Are you saying this, that when you started your own business, having put £200,000 into it you didn't understand how to operate the post office?

A. We understand what we are dealing with. I understand the products and services and everything. That is what we were taught in the training period.

C

Q. But did you think you were able to do the job when you started doing it?

A. I think I was doing okay, I think in the training.

D

Q. Right. Did you have any questions to ask in the training?

A. I don't – I can't remember.

E

Q. It is a long time ago and I do understand that, but at school, in school lessons there are some things people don't understand at school and they remember for years afterwards. I just wonder when looking back at the training did you actually understand what they were talking about or not?

A. To be honest, I can't remember.

F

Q. Did you have confidence that you could set up your own business?

A. To be honest the only concern I had was the gap between the training and takeover.

G

Q. Yes. I was going to ask you that. You asked the question. "There has been a gap. Do I need to be trained again?" and they said "no." Were you happy with that?

A. At that time I didn't, I was not in the post office so I didn't know how I am going to cope.

H

A Q. Mrs Misra, again I will ask for the last time. If you try and listen to the question and answer it then it helps the jury. Do you understand?

A. Yeah.

B Q. Did you think you were up to the job when you started the post office?

A. I can't remember. It has been a long time. I can't remember, because there was not like in school – sorry, like taking from your example.

C Q. Yes.

A. Like in school if you have got five subjects and you think you are not doing well in one subject, if there is anything come up in the exams so you will know you are definitely, for the final exams we need to put more (inaudible) on that one, so I can't ---

D Q. Why is it, Mrs Misra, that you cannot remember it would appear anything about your training but from the same year 2005 you can remember what happened with Junaid and how the losses were occurring and you can remember what happened with Michael and

E who Michael phoned up?

A. That is physically happening there. That is physically happening there. It is just I had ---

F Q. But the training was physically happening, Mrs Misra?

A. I had it for two weeks and then actually when I start putting transaction on the system then I will know if I am capable of or not. It will be just like learning it, like learning it something.

G Q. So you clearly remember what happened between yourself and Junaid and Michael in 2005 but you cannot help us as to whether you understood the training in 2005?

A. I know what we talk about in the training. I remember that.

H Q. Did you understand what they talked about?

A. The products and services.

A Q. I will ask the question one more time. Did you feel confident that you would be able to run the post office in June 2005?

B A. I hope so. I don't know. I don't know.

B Q. "I hope so." Thank you. Mrs Misra, I have got your contract here, the full contract. I am going to turn it to the passage dealing with theft or burglary. It is at page 49 of the contract. Could you have a look at it and then read out paragraph 15, please? (handed)

C A. "If a theft or burglary is committed or attempted at sub-post office, whether or not official cash or stock is stolen the fact must be reported at once to the police and to the regional general manager by the person who first made the discovery."

D Q. So you discover there are thefts going on at your office. Do you now accept that you are under a duty under your contract to inform the police straightaway and the Post Office straightaway?

E A. I know now.

Q. You know now. You signed the contract?

F A. Yes.

Q. And you knew you were liable to make good any loss under the contract?

A. Yeah.

G Q. Did you not read the contract? So you set up a business costing £200,000 and you don't read the contract?

A. I didn't read this book.

H Q. So is that the reason you didn't call the police about the thefts, that you didn't know you had to?

A. That is right, yeah.

A Q. Right. I see. You have a clear memory as I understand of what happened between you and Junaid and Michael in 2005 when losses were occurring from the very beginning?

A. Yeah.

B Q. And that is an important part of your defence, isn't it?

A. I don't understand that. Yeah.

C Q. You are saying that the losses may be down to some kind of computer error, are you not, or are you not saying that?

A. Yeah. We are saying that, yeah.

Q. Right, or they are down to your incompetence?

A. Yes.

D Q. Or they are down to theft?

A. Yes.

E Q. Do you accept it cannot all be down to theft?

A. I don't know. It is just I know the losses are there.

F Q. Let us just examine it. £89,000 loss when you dismiss the thieves. The thieves have gone. The losses continue. So the losses that continue cannot be down to the thieves because you have sacked them?

A. That is right, yeah.

G Q. So theft alone by your employees does not explain the loss, does it?

A. Okay.

H Q. So it must be down to one or both of two matters, either computer error or your incompetence?

A. Yeah.

A Q. Right. So your potential incompetence or the issue of your competence and the issue of computer error are important parts of your defence?

A. Okay.

B Q. You are saying as I understand it "I knew from day one there was a problem with the system because I was suffering these losses." Yes?

A. I knew from the day one that we were losing money.

C Q. Yes, and day one in what would have been rather difficult for your employees to steal from you on day one with Junaid there, would it not?

A. Yeah, when I look back, yes.

D Q. Yes. So from day one you were suffering losses which you could not explain and you now put those down to either failings on your part, a lack of competence, or some sort of computer problem. Do I have it correct?

A. Sorry, say that again?

E Q. You are saying you think there was a problem with the computer. Is that right?

A. That is right, yeah.

F Q. You are saying you are worried that you were not up to running the system, that you were lost?

A. That is right, yeah.

G Q. When you were interviewed by the Post Office on 14th January just after the audit those are matters you knew, were they not? You knew on day one that there were losses, that Junaid had found losses. You knew that Michael had had losses that he could not explain. Those are matters fresher in your memory than they are now because you were being interviewed in 2008. Yes?

A. That is right, yeah.

A Q. So why didn't you say anything to the Post Office investigators in interview about what happened with Junaid and Michael?

A. I got answered the question what they asked for. I did mention in Elaine Ridge's interview that it was because staff was blaming might be a system error.

B Q. Right. You were interviewed actually in disciplinary proceedings, were you not?

A. After I was suspended.

C Q. Yes, because you were not just suspended. You actually had an interview where you were allowed to put your account across?

A. Yeah.

D Q. You were interviewed by Elaine Ridge on 12th March 2008?

A. Yeah.

E Q. You have seen this interview, have you not ---

A. Yes.

F Q. --- because it was disclosed to you by the prosecution. You have seen it from your solicitors?

A. Yeah. I had it, yeah.

MR TATFORD: All right.

JUDGE STEWART: It is not something the jury have at the moment?

G MR TATFORD: No, it isn't I am afraid. (to the witness) In that interview you didn't say that you had any problem with the training, did you?

H A. I was not asked. I was answering whatever they asking for.

Q. I am just wondering if there are some spare copies? Perhaps I can deal with this in general terms. If we need copies we will get them. There is obviously a lot of paper in this

A case and we try and keep copying down. But in your interview with Elaine Ridge did you ever say "I think there is a computer problem at the office?"

A. I did raise the point that staff say the system, could be a system error.

Q. Did you ever say that you had not been properly trained?

A. They never – I don't think they never asked.

Q. Have a look at the first page. Mine is marked but there is a question marked on the very first page of this interview. The question reads "what training did you have?"

A. Yeah, two weeks classroom.

Q. So you were asked about the training. You didn't say anywhere "I didn't receive proper training?"

A. It is wrong there. It is not one week in branch. It is two weeks in branch.

Q. Right.

A. And I would have said two weeks as well. It is two weeks classroom and two weeks branch.

Q. I see. Did you in that interview at any stage say you were not competent to run the post office? By all means look through it. I have marked elements ---

A. I did to Elaine. I said like as of mid April I just a bit lost the interest and all I doing, I didn't do the balance properly. I was just doing a snapshot and just putting the figures in.

G MR TATFORD: All right. Let me leave that for the moment because it is difficult dealing with it in this way and I will move on to something else.

JUDGE STEWART: Shall we take away the document? It is just a distraction.

H MR TATFORD: Of course.

A JUDGE STEWART: Yes. If you would like to give it back to Mr Tatford, please? (handed to counsel)

MR TATFORD: Thank you very much. Going back to your training, do you remember your training? Do you remember Mr Bayfield when he gave evidence?

B A. Yes.

C Q. He talked about how trainers would wander around in the classroom. Is that how you remember it?

C A. Yeah, that is right.

D Q. And they would watch what you were doing. Is that how you remember it?

D A. Yeah.

E Q. Does that help jog your memory at all as to whether you understood the training?

F A. In the training it is not like we do, well, just like basic transaction. It is the first time we are seeing the Horizon, so it goes through these terms saying all that because you have to start entering the products into the system.

F Q. As I understand it, what you are saying is that there were these problems, unexplained problems that Michael and Junaid found and they rather left you in the lurch?

F A. Yeah.

G Q. They abandoned you?

G A. Yeah.

H Q. Didn't that make you cross?

H A. Yeah. That is why I said to speak to my manager after that.

H Q. Which manager did you speak to?

H A. Timiko Springer.

A Q. Timiko Springer. You say you told your area manager about the thefts. Was it her
you told?

A. That is right, yeah.

B Q. So you phoned up Timiko Springer one day?

A. That is right.

C Q. In April 2006?

A. Yeah.

D Q. What did you tell her?

A. That I caught Javed – when I first caught Javed red handed because I caught
Javed red handed, the transfer is not enough, so I just – I am not letting him in the post
office. I am not letting him in the post office any more. That was it, and the same thing with
Nadia as well. I did ring her and mention that and Nadia done the same thing, and then she
mention at me to cancel these Western Union money gram, the password thing. Then I was
told to cancel the passwords.

E Q. Did you tell Timiko Springer how much had gone missing?

F A. Definitely before first audit I was telling her every figures. When the – when I got
a sort of warning from auditors that any time if you lose more money we will take your post
office away.

G Q. I will come to that in a moment. Did you tell Timiko Springer that “I am having
heavy losses because of thefts by my employees?”

A. I can’t recall.

H Q. All right. But what happened after you phoned Timiko Springer saying “I have
got thieves in the office?”

A. That is – the impression round about that time I am going to have to get rid of Javed and Nadia. It is mean didn't have any staff. Then it was arranged for a locum to come in.

B. Q. Right. So I want to really find out what Timiko Springer did because you have phoned her up and said "I have got thieves in the office." What happened from her end?

C. A. I don't know. She – I have to get rid of the staff which mean I didn't have any staff to run the post office and she arrange a locum to come in to help me out serving.

C. Q. Are you saying that Timiko Springer must have kept it to herself that there were thieves in the office at West Byfleet?

D. A. Well, she arranged the first audit. When I said I can't carry on she arranged the first audit with her area manager.

E. Q. The first audit was a surprise, was it not?

E. A. No. There was ---

F. Q. It was a stock take audit?

F. A. The first audit was in October.

F. Q. Yes.

G. A. The first audit in October. When I say, like when I gave up in three months time when the losses, the money, I physically put from shop to post office at 3 and a half thousand. I said to Timiko "I can't carry on." Then she said, it is a bit unusual, she has spoken to her area manager, Angela James, and I was told "you will get the audit done." I said "when that will be?" and she said "no, there is no date. It will be surprise."

H. Q. Yes. That is the whole point of an audit. It is meant to be a surprise. So when did you tell Timiko Springer that you had thieves in the office? When was it in 2006?

A. That is when the Nadia and Javed case.

A Q. So about April?

A. Yes.

B Q. The audit does not happen until 14th October?

A. That is right, yeah.

C Q. So does nothing happen? You tell the Post Office there are thieves in the office and nothing happens, because this was a very important piece of information you were giving to Timiko Springer?

A. Nobody from the Post Office came in.

D Q. Were you surprised by that?

A. No.

E Q. Didn't you think they would want to come and investigate if people were stealing from the Post Office?

A. Yeah. I am, it is my responsibility. I have to make it good, so I don't know.

F Q. So you thought they would not bother investigating anything?

A. I have got no clue. I don't know.

F Q. Because you didn't mention in your interview that you had told your area manager about thieves in the office, did you?

A. I said what I have been asked.

G Q. Another document I want to ask you about is a document called your defence statement. All right?

A. Mmm mm, okay.

H Q. A defence document is a document that sets out your defence that you are going to run in a trial. Do you understand?

A. Okay, yeah.

A Q. And there was a detailed defence statement from you. You signed a copy I think?

A. Okay. (Pause)

MR TATFORD: Let me leave that for the moment because sometimes these papers get rather lost.

B JUDGE STEWART: Would it help if Mrs Misra had the document I have in front of me?

MR TATFORD: That is very helpful, your Honour. Thank you.

C JUDGE STEWART: Perhaps a spare can be found some time later. That is not signed, but you can confirm if it is the same document.

MR TATFORD: That is it. We have got another copy now. Can I pass that up to your Honour?

D JUDGE STEWART: Let us give Mrs Misra that one.

MR TATFORD: Thank you.

E JUDGE STEWART: Is it stapled together? No. If not I will staple them. Thank you.
(handed to witness)

MR TATFORD: I have got my copy now. You recognise this document, do you?

F A. Yeah.

Q. All right. You refer to Junaid. I am looking at the second page. Do you see it is divided into a lot of paragraphs, but 5(a)(i), do you see that?

G A. Mmm mm.

Q. You talk about what happened between yourself and Junaid. Yes?

A. Yes.

H Q. Then (a)(ii), you talk about what happened between yourself and Michael?

A. Mmm mm.

A Q. Then you go on to explain the losses increased and despite calls to the helpline the cause of the losses could not be discovered?

A. Mmm mm.

B Q. Can I ask you what you mean by that because the only records we have of calls to the helpline from Mr Dunks are calls in February 2006 just for a short period, 6,000 down on two stock units. Were you making lots of calls to the helpline?

C A. I was, yeah.

C Q. Which helpline do you mean?

D A. I am pretty sure there was only one number. It was two and a half year or two years back. I am pretty sure there is only one number which we are calling for helpline.

D Q. So there is one number for the helpline, and was that to get computer assistance?

E A. No. That is the whole number for everything I think. It is like then it is divided into – I am pretty sure.

E Q. I see. So you only had one helpline to call?

E A. And then it is divided number one this, number two.

F Q. Because the evidence we have from Mr Dunks is that there were I think four calls in February 2006 about a loss, but there is nothing else. Were you making lots of calls about losses throughout the period that you were suffering the losses?

G A. In the beginning I was making calls.

G Q. You see, the calls are not there. He has not given us evidence about those calls.

G A. I think that was the Horizon calls, was it?

H Q. Yes, the helpline.

H A. Yeah. That is the Horizon call. That is the one part, and there is the Chesterfield as well.

A Q. I understand that there is a division, but you have only got one phone number to call?

A. One phone number and then it is divided into six options.

B Q. I see. But you make the phone call to the helpline. Were you asking about a computer problem or were you asking about losses?

A. Both.

C Q. Both, because your calls in February did go – Mr Dunks has given evidence about that – they did go to the Fujitsu helpline. Do you think you were making other calls that might have been diverted to Chesterfield? Is that what you are saying?

A. It could be. I don't know.

D Q. All right. Let us leave that perhaps. But you talk about Timiko Springer in your defence statement. "In October 2005 the defendant's line manager was Miss Timiko Springer to whom the defendant requested assistance in using the Horizon computer and also an audit. An audit check was carried out in October 2005 which resulted in a £5,000 loss for which the defendant had to settle on monthly instalments." So you are talking in your defence statement about speaking to Timiko Springer, but you didn't mention there

E F that you told her that you had thieves in the office. Why is it missing from this document?

A. (inaudible)

G Q. Do have a check. If I am missing something then of course I must be put right.

(Pause) Is it there, Mrs Misra?

A. No.

H Q. It is not there, is it? It is quite an important point, isn't it? "I phoned up my area manager about the thefts." But this document that you have got, can you just hold it up so the jury can just get a feel for the document? It is six pages, isn't it?

A A. Yeah.

Q. We can see the font used. There are five full A4 pages, are there not?

A. Yeah.

B Q. It is a very detailed document, isn't it, and as I say, it includes your dealings with Junaid. It includes Michael. It includes the audit in October. But nowhere in that document do you say you told Timiko Springer that there were thieves in the office?

A. Yeah.

C Q. So why did you leave that out?

A. I can't remember why.

D Q. You cannot remember why. That document I think there was signed – there is a signed copy. That is not signed, but I understand there is a signed copy – 21st January this year. All right?

A. Mmm mm.

E Q. And the document, you agreed with it. Presumably that is why you signed it?

A. That is right.

F Q. Why is it for the first time we hear today that you told your area manager, that you told her about the thieves in the office? Is it because you have made it up today?

A. No.

G Q. Can you help us as to why it does not make its presence felt in interview or defence statement?

A. I really can't remember why didn't I mention. I can't remember, sorry.

H Q. Yes. Mrs Misra, let me make it clear. If in fact this is simply a drafting error and if there is a document that can be shown to me to show that this is something you have mentioned earlier then I will withdraw the point. You understand? So the offer is open to

you because sometimes there are errors of drafting, but it is not there in the defence

A

statement, is it?

A. It is not, no.

Q. But you do talk about speaking to Timiko Springer?

B

A. About the theft.

Q. Not about the theft. You say you spoke and went through it. "In October 2005 the

C

defendant's line manager was Miss Timiko Springer to whom the defendant requested assistance in using the Horizon computer and also an audit." That is all there is about her, isn't there?

A. Yeah.

D

Q. All right. I want to ask you about that audit because you are saying that one of the auditors – do you remember the auditors who were there?

A. I remember the main one.

E

Q. Do you remember you saw Keith Noverre give evidence. Was he there?

A. He was not – it would have been he was not the main one.

Q. You don't specifically remember if he was there?

F

A. I can, we probably seen him at that time or during that but the main one was the, who came in with the Royal Bank of Scotland later on.

G

Q. It does not matter terribly much. But you are saying that you were told if there are any other losses over £500 you will be suspended?

A. That is right.

Q. So a pretty stark warning?

A. Yeah.

A Q. So that is 14th October, and then two weeks later you receive your transaction corrections for National Lottery tickets. I think they came in to you on 24th October?

A. I can't remember when was it.

B Q. Forgive me. I am putting too close a time period. But you are told by an auditor that if you have a £500 loss again you will be suspended?

A. Yeah.

C Q. And then it is a year later that you receive these transaction corrections essentially saying you have got a £20,000 loss. Were you surprised you were not suspended at that point? It is a lot more than £500?

A. That is right, yeah.

D Q. Were you surprised?

A. I questioned it. I asked for the more. It was a big figure.

E Q. You questioned it, but you thought as I understand it, the way you kept all this quiet was you were worried about losing the post office, being suspended?

A. That is right, yeah.

F Q. Here is an example of a whacking loss, £20,000 in National Lottery tickets, and yet all they are wanting is you to correct the amount?

A. They didn't order it to be returned. They arranged over a period of time, taking it out of my salary.

G Q. Yes. Were you surprised they didn't shut you down after what you were apparently told by the auditor? The two things don't sit together very well, do they?

H A. Well, it is – they are doing it and like it was done, it was done over the period of time and deduction out of my salary.

A Q. Yes. Can I suggest that there is a reason why you were not shut down over the £20,000 and the reason is simply this. The auditor didn't tell you in 2005 you would be shut down?

B A. They did. They – I got the figure 500, "any time over 500 you are short you will lose the post office."

C Q. But that was very severe, was it not? £500 short and you will lose ---

A. £500 short, "any time you are £500 short you will lose the post office and be suspended."

D Q. But then a year later you are £20,000 short and the Post Office know about it. They send you the transaction correction notices and yet nothing happens. An auditor then, Mr Noverre, told us what the auditor does. They are not bothered about anything other than looking at the figures, are they?

E A. They didn't ask for the figure. The arrangement was not done over – from the first audit there was a deduction out of my salary as well but that was not arranged by the auditor. It was passed on and it was then transferred like it would be deducted from my salary.

F Q. Can I suggest to you what you have done in reality here? You have mentioned for the first time in the investigation in the case, in your defence statement you mention dealings with Michael in 2005, dealings with Junaid in 2005, speaking to Timiko Springer in 2006 I think and what the auditor said in October 2005. None of those things are things you mentioned in your interview with the Post Office. Do you accept that?

H A. Interview with the Post Office?

A Q. With the Post Office, 14th January, where you just told the Post Office there was £89,000 loss due to staff theft. That is all you said. You didn't talk about being told you would be shut down for – I am sorry?

B A. I was not asked for it.

B Q. Yes, but ---

A A. I was only giving them an answer in whatever question was asked.

C Q. Forgive me, Mrs Misra. The Post Office investigators, they are not mind readers. They don't know everything that has happened in the office. You do. You failed to say to the investigators in your interview, you failed to say a number of things. First of all, "my training was bad." You also didn't say "there might be a computer problem." You said nothing about what had happened with Junaid. You said nothing about what happened with Michael. You said nothing about Timiko Springer. You said nothing about the threat from the auditors. All those things are not in your interview. Do you agree?

D

E A. I only replied to them whatever they asked for. It was like I was not under caution anything. Is there anything I say – they read the statement, that if anything I say might go under something ---

F Q. Mrs Misra, at the very least ---

A A. Whatever they ask for I done it.

G Q. Do you remember at the end of the interview you were asked if there was anything else you wanted to say and you said there was not? By all means have a look at your interview. It is fairly short and it is in the jury bundle. Why don't you just turn it up, please? It is page 20. Shall we just go through it so we can see exactly what you said? Turn to page 20, please. First of all, the circumstances about what happened when the audit took place and how you handed over £475. Do you see that on the first page?

H

A A. Yeah.

Q. Then over the page it is confirmed "no direct questions have been put to you outside the interview." Then you go on to explain at 8.43, what you are doing is reading out your note that you had written down. Do you see?

B A. At that time they got the letters with them, not with me. I don't have my notes.

Q. Yes, Mrs Misra. I am just trying briefly I hope, we have heard all this in evidence but if you are not fully aware of your interview I don't want to take an unfair point against

C you. But first of all on page 21 you read out what you had written down in the note. All right?

D A. Yeah.

Q. Then turning over the page to page 22, you talk about staff stealing and at 1448 you say it was around 89,000 to 90,000. The investigator, Mr Morris, says your husband has told him the police have been notified of £1,000 loss. Do you see that?

E A. Yeah.

Q. Just after 1731 just above 1819, do you see that? Do you see the tape counter times?

F A. Yeah.

Q. "No further large unexplained discrepancies." So what you were saying in your interview was "an £89,000 loss down to the thieves. We sacked them." Do you understand?

G A. Yeah.

Q. Then you talk about the way cash is declared and you talk about the Lottery error you received at the bottom of page 22. All right?

H A. Mmm mm.

A Q. Now if you turn over the page to page 23, there Mr Morris starts going through the branch trading statements and your false figures. All right? That takes a little while. It goes on on page 24 as well. Then he talks about at the bottom of page 24 the two grey rem pouches. Over the page, page 25, you say the third line down you are hoping to get the
B money from the shop takings and friends and family. You were hoping to get the money from them to try and pay it back. Then that tape ended. Then there was a very short second tape. Page 26, you talk about another property that is rented out. On the top of page 27 you talk about how much you paid for the business, and then at the bottom you are asked "did
C you steal the £89,000?" and you said "no."

D A. Mmm.

D Q. So that is all you said in interview. All right? If we go back to what is missing then from what you have said now, there is no mention of losses with Junaid. Yes? It is not in the interview, is it?

E A. Never asked how did it all started.

F Q. All right. It is not there because you were never asked. That is Junaid. Michael, no mention of the losses with him. You did remember these things at the time of the interview, did you not?

G A. Yeah.

G Q. They are important things to say, "I had these losses from the very beginning." Yes?

H A. When I got Javed and Nadia red handed my assumption was like they are the ones who is taking money out, taking the money from the post office. That is why I was having all these losses.

Q. Right. So is that the reason you ---

A. Before that they did mention to them that they mentioned that they could be a system there because when they went on individual tills then staff mention as well there could be a system problem because it never seemed to balance and I did mention that as well.

B. Q. It is this interview I am looking at. All right?

A. Okay.

C. Q. In this interview you have not mentioned Michael, Junaid, what the auditor threatened you with, the £500 and then you will lose the post office. You don't mention Timiko Springer. Yes? All those things are missing from this interview. Do you accept that?

A. I accept I gave answer to the questions what they asked for.

D. Q. Right. What I want to understand is why these things are missing because in fact you have just given us another potential reason. Is it because you were not asked the question or is it because you had not realised how important these things were at the time of

E. this interview?

A. I can't remember basically. I don't know.

F. Q. If you cannot remember, Mrs Misra ---

A. I don't know why. I don't know why.

Q. --- in an interview in 2008 how is it you remember your dealings with Michael and Junaid in 2005?

G. A. It happen. It happen in my post office.

Q. If it happened why didn't you tell the post office in this interview?

H. A. There was no question of ways, like how this all started and all that as far as I can see. It all happened the same day but the day I lost the post office. This interview happened on the same day.

A Q. Yes. I am not suggesting anything other than this must have been a very stressful occasion.

A. It was.

B Q. But you understood this was your opportunity to tell the Post Office about what had been happening and you failed to tell them about a number of matters that you have been telling the jury about. I just ask you so the jury can understand why you failed to mention those matters in this interview?

C A. I can't be (inaudible) It might be that I only answer for the question they ask for. They never ask like how is this started? I don't know.

D Q. At the end of the interview, the bottom of page 27, just above 1407, Mr Morris gave you the opportunity to say anything. It is like giving you free rein to say whatever you wanted.

E A. Mmm.

Q. Because all he wants to know is why this loss is there. You follow?

A. Yeah.

F Q. And you said "I haven't taken a single penny out. I wanted to rectify this. I wanted to clear this up." You say "I wanted to clear this up." Wasn't part of what you wanted to clear up why these losses had been occurring from day one?

G A. I wanted to clear the losses. I wanted to clear the loss and sell the business. I don't lose my money, which I did in 2010, this year.

H Q. Did it ever cross your mind to say to the Post Office investigators "I have had these losses from the beginning and Junaid knows about it and Michael knows about it and Timiko Springer knows about it?"

A. Like the Post Office knew in October 2005 anyway when they came to do the audit. It was on top of what I was putting money in or this was plus 3,000 on top.

B. Q. All right. Let us go back to that audit. In that audit, because you have not told us this so far at least, in the audit did you say to the auditors "I have been having losses from day one. Ask Michael. Ask Junaid." Did you tell them that?

C. A. I welcomed them. I was waiting for the audit as I welcomed them in basically so they can – they were like, at least they can – it was put forward that they will come in and find out if we do something wrong, any transaction or do anything wrong in the system.

D. Q. Did you tell the auditors ---

A. I tell the – about the losses that we having, that I have to put the money in.

E. Q. Right. Did you say "Junaid knows about this. Michael knows about this." Did you mention them at all?

A. I did mention about the losses. I can't recall if I said name or not.

F. Q. Can I suggest to you why there are these inconsistencies, and it actually ties in I suggest with the questions I asked you at the beginning about those figures going up. You realised after your interview that it didn't make sense to say it is all down to thefts by other people. There had to be other reasons, and so you I suggest have added some false extra reasons ---

G. A. No.

Q. --- to bolster up what you said in interview which does not explain the loss?

A. No. It is, everything is truth. I am not lying.

H. Q. The defence statement that you served in this case isn't the only defence case statement you have served, is it?

A. I had some ones listed for ---

A Q. You had old solicitors, didn't you?

A. Yeah, that is right.

B Q. They served a defence statement on your behalf. I accept people change solicitors for perfectly good reasons every now and again, but in that document – and I will pass them up to you – there were two documents, a defence statement and also a letter. Have a look at those. I have marked it slightly but only to say it is an old defence statement. It is probably some time since you have seen those things so do take your time. (handed) (Pause) Have you had a chance to refresh your memory? In those documents setting out your defence, albeit documents when you were instructing your former solicitors, those documents set out that your defence is that employees have stolen from you. Yes?

C D Q. Yeah.

Q. You don't mention the other theories at all, do you?

E A. No.

Q. And your solicitors even wrote a letter to the prosecution giving the names and addresses of these other thieves?

F A. Yeah.

Q. There are three pillars to your defence, theft by employees, my own competence, computer error. Can you help us as to why you only mention the first pillar in that defence statement and the letter that was sent as well?

G A. This is, I think all this was done by my previous solicitor.

Q. Yes.

H A. When that problem with the system was raised before mid 2006 I knew there could be a system problem, w

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Q. You did some research on the internet?

B

A. No, just the day before my first trial and there was like, then there was like, there was an article from a computer weekly which is like when I read the cases the same thing happen with me as well like figures doubling up, we are having losses and ---

C

Q. All right. Let me just cut the matter clearly if I may because this is new information for the jury. There have been some articles about whether the Horizon system is any good or not in various magazines, is that right, that you saw prior to your ---

D

A. The day before my first trial.

E

Q. All right. So earlier in the history of the court proceedings you were aware that other people were saying there might be a problem?

F

A. Yeah, and then I read and the same thing happen with me as well when I read that incident and I remember staff saying that as well, there could be a system problem.

G

Q. Fine. I fully accept that that might have given you thought about another possibility. So let us leave that on one side. What I want to understand though is why in defence statements you only talk about theft. You don't mention until the defence statement that was served in January of this year anything in that old defence statement about Junaid, about Michael and about how there were losses from the beginning. You don't mention anything about that at all, do you?

H

IRRELEVANT

Q. But you knew, Mrs Misra, that the losses had begun in 2005 from day one?

A. That is right, yeah.

A Q. So it could not just be down to the thieves because they were happening when you were with Junaid?

B A. I was in – I was in complete mess anyway. I was not like pinpointing what is here and what is not. I was in like whole lot of mess. I was struggling with one counter, then I like because I was struggling trying to find where more money was going so like I was trying to like created more work for me because I was going on like a complete mess. So when I got them red handed I thought like it be them who were nicking the money.

C Q. You see, I suggest, Mrs Misra, that you were setting out one defence in your interview, theft. You were setting out one defence in your first defence statement, theft by employees. You then in a second defence statement add a whole raft of detail that you knew about at the time of your Post Office interview and at the time of your first defence statement. I am suggesting that these new additions have come because you have invented them?

E A. No.

F Q. You didn't mention them earlier because they are simply not true?

A. I didn't invent them. This incident happened.

F Q. You know perfectly well, do you not, that in relation to some of those things you have read in articles that the prosecution have looked carefully at other complaints, have they not, and you have been disclosed material in relation to Calendar Square because that is an objective piece of material that gives a cause for concern about Horizon. You understand all that process, do you not?

H A. Yeah.

A Q. But you understand that the Post Office at the request of you and your solicitors have fully researched other articles and other suggestions of problems? You are aware of that, are you not?

B A. Yeah, that is right.

C Q. Thank you. So is it a case of you jumping on a bandwagon when you read something that might give you a hope and adding a few extra false limbs to your defence?

C A. No. If you recall, in my, I think it was Mr Dunks' calls, I did make the calls on that, the losses as well and when Chesterfield transfer me to Horizon that ---

D Q. Yes, but you only made calls about the £6,000 loss according to Mr Dunks.

D A. And when we go into the call there isn't the call that I have been speaking to Chesterfield for two weeks and they ask me to ring Horizon help desk. There was a call, was it not? I think so.

E Q. I suggest there may have been some sort of disagreement with your staff and that prompted you to call the helpline, but whatever the rights and wrongs of that disagreement it does not go anywhere near to explaining why you were lacking £74,000?

F A. I lose from the building of day one. It is not like – it has not been a single day when it was just like balancing up.

G MR TATFORD: Can I ask you to look at the CV that you were asked questions about?

G JUDGE STEWART: Before you do that, just to ensure that the jury have the picture because Mrs Misra has referred to her first trial ---

H MR TATFORD: Yes.

H JUDGE STEWART: I don't think there has been a trial actually take place?

H MR TATFORD: No.

A JUDGE STEWART: Have I got this chronology right, that she had initially solicitors after she was charged. The first defence statement, the one that is much shorter than the current one, was prepared by solicitors in early last year and a date for trial was fixed for a date in June last year?

B MR TATFORD: Yes.

C JUDGE STEWART: Then on the day that that trial should have begun there was an application on behalf of Mrs Misra to adjourn it because of this further information that she had located from her researches. The Recorder who was sitting on that day allowed that application and that led to all the researches and reports and so on from Professor McLachlan and Mr Jenkins and so on and it has taken from then until now actually to get D down to the trial itself?

MR TATFORD: Yes, that is right. That is very helpful.

E JUDGE STEWART: The longer defence statement was served by new solicitors after the date when the first trial was due to begin after June last year, so there has not actually been a trial before, has there?

F A. No.

JUDGE STEWART: No.

MR TATFORD: That is very helpful, your Honour. Thank you. (to the witness) Can I ask you to have a look at your CV, please, I think exhibit 13? Have you got that there?

G A. Yeah.

H Q. I just want to understand what you are saying about this because you went through all the entries with Mr Hadrill. You supplied this CV to the Post Office in support of your application?

A. That is right, yeah.

A

Q. Is this CV meant to tell the truth?
A. That is the CV what I have done.

Q. Yes, I know you have done it, but is it meant to be true?
A. As far as I know, yes. (inaudible)

B

Q. Do speak up. I cannot hear.
A. As far as I know that is all I have done in the time period it stated.

C

Q. Were you trying to mislead the Post Office about your expertise?
A. No.

Q. Right. So when you say at the top looking at “personal profile”, “I have considerable business experience with strong administrative management and retailing and accounting skills.”

A. Yeah.

E

Q. You say it was not your words, but is it true?
A. I have not done the CV myself. I got it done.

Q. Is it true, Mrs Misra? You can read the words. Are they true?
A. Yeah. I have been running my business since 2002 to 2004.

F

Q. Mrs Misra, again just try and look at the words and I just want to know if they are right or wrong. Do you have strong accounting skills?
A. I have done the VAT returns on my home décor business.

G

Q. So do you have strong accounting skills, yes or no?
A. I am not a professional accountant. I have done like shop accounts.

H

Q. Looking at the bullet at the bottom of that box, are you computer literate, yes or no?

A. I do word processing, Excel. I have done – what I would say there I have done word processing. I got Dognet programming. I do spreadsheet. I do data dissemination.

Q. When you are a director of the company, the import trading company, is it right that you handled all aspects of business management, VAT returns and accounting?

B. A. I have done the VAT returns, yeah.

Q. All aspects of business management, VAT returns and accounting. Is that a truthful summary or not?

C. A. I remember doing most of the business management and like it is not very big, huge scale business. Like I normally doing the returns myself and filing papers myself. I remember that.

D. Q. Mrs Misra, a CV is relied upon by the person it is sent to. You are meant to tell the truth in it.

E. A. It is the truth there, like I am managing my own business here and I am doing all whatever relates to in my business I am doing it myself.

Q. All right. Can I ask you about when you worked for Bedfordshire Police?

F. A. Yeah.

Q. Were you responsible for producing analytical reports including complex calculations?

G. A. Okay. These are the wording from my job specification which they give that when you get a job that this is your – that is your title and that is the job. The reports, I click off button and the reports comes out.

H. Q. Mrs Misra, it says you have done it on the form. Did you do it or not?

A. It is these are all the (inaudible) for my job specification, that that is my job. That is what I am doing. Like when I got a job that these are things that I am going to do, and I

A done reports like a click of button, like this is a programme set there, so basically example you need to find out how many office, which officer had which complaint more, so like just put name and then give in the report.

B Q. Had you done complex calculations whilst working for the police, yes or no?

A. I done the reports which I mention.

C Q. Yes. I asked you about complex calculations, Mrs Misra. Had you done them or not?

C A. Them in that report, yeah. These are the wording. I didn't created it. It was for my job specification.

D Q. All right. You used the Police National Computer, did you not?

A. Sorry?

E Q. You used the Police National Computer. Is that right?

E A. Yeah. I think like I put the input, computer.

F Q. Yes. You input information in?

A. That is right, yeah.

F Q. So if somebody came to you and said "I want to make a complaint about an officer" they told you about the complaint and you have recorded it into a computer. Yes?

G A. No. They don't physically coming. The form comes in off the ring thing(?) with the complaint, so there is ---

G Q. So you are hearing in an earpiece are you, about the complaint?

H A. Yeah.

H Q. And you are typing the details in?

H A. Not straightaway. They give me details, yeah, and then pass it on to my manager and she give me more details to put it into the system, like the details putting in the system.

A Q. What I am trying to get at, Mrs Misra, it is important when recording somebody's complaint to get the details right, isn't it?

A. Yeah. I am taking the calls coming for to make a complaint, taking as much information, then passing it on to my manager. They, I don't go out and do the interview, go and speak to them. They do and then I get a form to do inputting.

B Q. Right. I will not ask about that again, but on the assistant finance manager between 1997 and 2001 did you design – the third bullet point is perhaps a better example – did you design and implement a database using file marking pro?

A. We, I did put the information into the data.

C Q. Did you ---

A. But design means like, like which way the picture should goes in and all that.

D Q. So designing the company's website at the bottom bullet, that just means putting photographs on it, does it?

A. Designing and managing.

E Q. Sorry?

A. Designing and managing.

F Q. Does it mean anything more than putting some photographs on the website?

A. Photographs and whatever information I have been given, to tap it in.

G Q. So designing and managing company's website is a rather grand title for what you were doing, isn't it, or do you think it is truthful?

A. That is my specification of what I have been doing.

H Q. I see. It is a similar point. I had better deal with this. Did you ever have any difficulty understanding the English directions that were printed out on the Horizon screen?

A. I think my English understanding is okay. I can cope with the ---

A

B

C

D

E

F

G

H

IRRELEVANT

Q. Did you ever struggle understanding what the Horizon screen was saying to you?

A. I stopped understanding it in mid 2006.

Q. You didn't even bother reading it?

A. No, reading it, understanding it because when I could not find anything out, I stop understanding it. I didn't bother to understand it basically because it was in such a great mess.

Q. Right. Can I ask you about Saturday 12th January?

A. Saturday 12th January?

Q. Two days before the audit.

A A. Okay.

Q. On that day £1240 was handed over in the counter to be put into a giro account.

A. Yeah. I remember that.

B Q. Do you remember it because you were there?

A. Yeah. I remember that, yeah.

Q. Did you deal with the customer?

C A. Yeah.

Q. Why didn't you, Mrs Misra, put that transaction into the Horizon system?

A. That is from our business customer IRRELEVANT (inaudible) and they usually come.

D When we close the post office everything was locked. All the safe was locked over. They usually do that. The normal practice is they do trust and they always leave it – they came in, post office closed. They just leave the bank money there. Because the safe was locked I could not open it and put it in the safe so I just put it on the counter and they knew that even

E when we put it on Monday because it was closed.

Q. Why could you not open the safe? It is your safe.

F A. It is just everything is locked. I just leave it there.

Q. Did you tell the customer that?

A. Yeah. They knew that. Even on Christmas time as well like even they were leaving the banking with us and they come in later on to get the slip.

G Q. Who was this customer?

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A. That is right.

A. All right. But why didn't you put the transaction into the computer though?

A. Because everything was locked when they come in. There was like if it is locked, I was, we were just about to go, and they just came in. It is (inaudible) change, there was coins in there.

Q. Mrs Misra, you were not going to be there on Monday. You were visiting relatives?

A. Yeah.

Q. So how was anybody supposed to know when they came into the office what the £1240 was?

A. They had the giro slip. They had like the paying in book, giro slip with it as well. They know like what to do. They do it so many time before as well. Even with a queue as well they will just drop, leave the banking with us.

Q. Mrs Misra, there is an advantage for a dishonest person in not putting cash into the system. It is so that the Horizon does not know the cash is there.

A. No. I didn't say it was my cash. It said a slip on it, that is my Harvester. It is the banking.

Q. But by receiving the money without putting it into Horizon the account system has no idea the money has been deposited?

A. But it got the slip. I didn't say that is my cash. It just say when the original (inaudible) that is for the banking customer.

Q. So you could have used that money for any purpose at all?

A. But why would I?

A Q. If you were running short on your cash till in the shop you could put it in there to cover any short term loss?

A. No. My shop is doing fine. My shop was doing fine. I had – I ran the shop – I lost the post office on 14th January 2008 and I sold the shop in March 2010.

B Q. What happened to the bag of euros that Mr Noverre could not find, £3,000 worth of euros? Where was that?

C A. Yeah, only recall that from Mr Jenkins when Mr Jenkins was doing a witness, that it has been sitting there since July 2007 if I am correct.

Q. What was sitting there?

D A. That bag of euro was sitting in the system since July 2007.

Q. An empty bag?

E A. Not an empty bag. It was not – I would not do anything with currency. It says like Mr Jenkins mention that since July 2007 there is a rem pouch sitting in there. Till then I didn't know that there is any currency pouch. There should have been more currency pouch as well.

F Q. I am sorry. Mr Noverre asked you where is this pouch containing 3,000 euros and you were not able to explain to him?

G A. No. I didn't know that there was a currency pouch, actually it have to be pouch as well. The only pouches I knew of they were the two cash pouches which were stamped and dated which mean I am going to put the money in otherwise I would not stamp or date it.

H Why would I do that because I know I have been doing to put the money in. The currency pouch, I know they have asked me for the currency. First I told there was the – I don't know what you say – the dispute over, there was some currency which – first rate(?) the post office that is because they supplied from for the currency getting special delivery pouch,

A there was some currency which we send it back to them and it was done by special delivery and they were still not recall it on the system that we returned it. When Mr Noverre asked for it I did mention is it that currency you are talking about? These are the special delivery numbers. I did get them to Mr Noverre that ---

B Q. Was there a bag with currency in it?

C A. Not of I know. I only know the bag, there was an actual bag they were talking about. That was last week when Mr Jenkins said since July 2007 there is a bag sitting in there. Only then I came to know about there is a bag.

D Q. Mr Noverre said he looked at the records and he has realised according to the records that you had put into Horizon, he found two empty pouches.

E A. Yeah, which I given it to him.

F Q. Yes. He thought there might be another one containing euros. Where was that pouch which your records said contained euros? Where was it?

G A. I don't know. As I said, I only recall – on that time I thought that are they mentioning about the currency which we send it back already and the Post Office been saying they have not received it. On number of occasion I did give them special delivery number that is definitely going from here. Is that the currency they are talking about?

H Q. Do you think you sent it off and the Post Office ---

I A. Not at that time. I said is that the currency you are talking about? I given him the special delivery numbers as well that we do write it down and it was only just last week when Mr Jenkins was giving a statement then I realised and when he mentioned that there was a bag of 5,000 euros sitting there since July 2007.

A
Q. Yes. He said that he had spotted a bag of euros that was packed in a pouch on 7th July. There was no sign of the pouch being despatched or the pouch being reversed. So please help us. We need to understand it.

B
A. Yeah.

C
Q. What happened to that pouch?

A. I really don't know what happened. I don't know like – I didn't know there was a pouch of 5,000 euros. It might be only pouch in any of the premises was two currency pouches which I given it to Mr Noverre.

Q. So the answer is you don't know where it is? Yes?

D
A. No. I don't know like how they – that that bag is there.

Q. Right. Let me ask you about other pouches. Mr Jenkins was able to find three occasions of you reversing pouches.

E
A. Mmm mm.

Q. With £15,000 on one occasion, £18,000 on another – two other occasions I should say.

F
A. Mmm.

Q. What were you doing entering pouches in and then reversing it?

G
A. I recall I probably done it couple of times when I was a bit short on arranging the money.

Q. It is a way of inflating the accounts, isn't it?

H
A. No, a bit short of arranging the money. If I like send down the bag for 10,000 but I only manage to put like 9,000 in there, so I will not send the bag. There is 10,000 stamped with the 9,000 in there, reverse the bag and make a new bag with the current cash.

A Q. So the only reason those bags were reversed was you didn't end up having the money you wanted to send out?

A. I could not manage to arrange the enough money to send out.

B Q. You could not manage to arrange it. There was a lot of money that you could not manage to arrange to send out because Mr Jenkins says that in the thirteen month period he has looked at £49,120 was in the record as being in pouches but was not despatched. Just so you understand what he is talking about just to put a concrete picture to it ---

C A. Yeah.

D Q. --- he said that if the orders that had gone in in December rather than January they should have found pouches with that money, £49,000 odd in it?

A. Which date?

E Q. In December.

A. What date?

F Q. The evidence he gave, over the thirteen month period he said he was able to work out that £49,120 was put in pouches but not sent out.

A. I was ---

G Q. Just so you understand, Mrs Misra, so he said that as he understood it, if the auditors had gone in December, the end of the period he was looking at, he would have expected the auditors to find pouches with £49,120 in them. Were there those pouches there in December?

H A. That is on the end of December, 31st December. If I take it, correct me if I get it right, so they are saying by the end of December which is 31st December 2007 if the auditor came in like there should be a 40,000 thousand odd pound in the pouches.

Q. Yes.

A. Yeah, and they are saying it has not been sent off.

A. 31st December 2007 because I was making, trying to call back as well, I think that is a Monday I look at it, and my collection is on Tuesday. It does not say on the first or second how much money was actually gone out of the office. See what I mean, because my collection, the rem collection is always on Tuesday. From the day I bought the post office my collection is always on Tuesday. So he is saying on Monday this 40,000 has been missing from there. That will not be there because my collection is next day.

Q. Yes. So he did send the money off? Is that what you are saying? It was there in December and then you sent it off?

A. Not December, 31st December they are missing the money. That much money should be in the post office.

Q. In the pouches awaiting sending off?

A. In the pouches, yeah. I was making the pouches beforehand, I admit to it that I was making the pouches beforehand, but I was not like just reversing it back and not send anything.

Q. But that is what Mr Jenkins is saying you were doing?

A. Yeah. That is what he said that on 31st December that much money I should have been in the pouches but he is saying I have not send it off. How could I have send the collection on the Tuesday or Monday? If you look on Monday that would be the money on there. So you are saying, for example, 14th January – sorry if I don't make any sense – on 14th January the other pouch is £27,000 sitting over there, £27,000 worth of pouches was sitting ready for the collection. Is that right, 14th January, the two pouches, cash for ---

Q. They were empty pouches, Mrs Misra.

A A. They were empty pouches then but has not been going out the system ---
Q. They were dated. They had slips in them for 9th January.
A. Yeah, which I signed and stamped it.

B Q. But you didn't put any money in?
A. Yeah, because I was arranging it. That is what I have been doing.
Q. Why didn't you have the money by the 14th? When was it going to arrive?

C A. Sorry?
Q. There was a lot of money. We can look at it.
A. Yeah. That is what – I was going to arrange money.

D Q. We can look at that. I forgot the number. I am sorry. But there is one remittance pouch for £13,000 empty. There is another pouch for £14,000. So you were awaiting £27,000. Where is it coming from first of all? Who is going to bring this money in?

E A. I was trying to get from family as well, trying to like from the shop as well and any extra cash would have been in the post office I put that in and send it off as well.
Q. Why had you not managed to put any in at all by 14th January?

F A. Because that is how I have been arranging, that is what I have been told and it is what I am arranging. It has not gone out – and I didn't send an empty pouch on Tuesday because my rem is the next day.

G Q. Was a member of your family going to bring along £27,000 in cash?
A. Not all £27,000, whatever they could have arrange, whatever they could have arrange.

H Q. How much were they going to bring along?
A. I didn't get chance to speak to them because I have to call back, come back to office.

A

Q. You say your sister in law did give you money to put into pouches?

A. Yeah, over a period of time, yeah.

Q. Or to put into the accounts. How much cash would she bring into the post office on a day?

B

A. She would have to check it, like, you know, how much cash over the weekend taking because we all know the weekend shop takings are more. So she should have worked out how much cash she needed for herself and would have given the spare money to me.

C

Q. Mrs Misra, how many times did your sister in law give you money?

A. Quite a few times.

Q. Quite a few times. Let us take one occasion. What is the biggest amount of cash she brought into the office so you could stuff it into the post office?

A. £16,000.

Q. So your sister in law one day travelled to the post office with ---

E

A. No, transferred into my bank account £16,000.

Q. Right. So how did the money get into the post office?

A. I took the cash out from my bank and put it into the post office.

F

Q. So you went to the bank. Where is the bank?

A. To the cashier, Nat West, about four or five doors away from the ---

G

Q. So you went out to Nat West after this money had been put in and you took out £16,000 in cash and you walked down the street back to your shop. How were you carrying the cash?

A. In the bag.

H

Q. In the bag?

A. Yeah.

A

Q. Were you not worried that somebody might mug you on the way?

A. No.

Q. But why was it necessary to do that? Why could your sister not just pay a cheque out to the Post Office?

B

A. You see, I need to put the cash in and all I did she transferred the money in. It was in the bank transfer. She transferred the money in, and all I did went out, take the cash out and put it in the bag.

C

Q. All the more simple. I am sorry. I didn't realise this. You have got the money in your bank account. You write out a cheque and put it in the till. You don't need to take the cash out and walk down the street with it.

D

A. Yeah, but like if I made up pouches I have to put the cash in.

Q. But why? You just need to balance. That is what you need to do. You can reverse the pouches. It is the balance that matters, isn't it?

E

A. That is not what we do. I only do was the pouches when I was a bit short in arranging the money which I think Mr Jenkins mentioned just two or three times when I reverse the pouches.

F

Q. Can I just suggest to you what you were doing in fact was as an extra way of filling the hole in your accounts putting pouch transactions into the accounts which were fictitious. You put a figure in. You get a printout. You put it in a bag and then when you

G

balance for that month you reversed it and that was it?

A. I think Mr Jenkins mentioned it was only happen two or three times, didn't he?

H

Q. He found that, but we know that when the auditors came in they found two empty bags.

A. Which was stamped inside. This mean like I am willing, like I accepting that I have stamped it and signed it and that is how I have been doing it. Because I was messed up only that is the only way I could think of.

B. Q. You thought of a number of ways of hiding the hole in the accounts and I suggest to you, Mrs Misra, and I am sorry it has taken a long time to go through all this, but the simple fact is that the person who had to gain I suggest from hiding the loss was you. Yes? You were trying to hide the loss for your benefit, were you not? You have admitted that by C pleading to false accounting.

D. A. Yeah. The things I have done wrong I have admitted to it from the day one in front of auditors and in the court as well. I know I have done false accounting.

E. D. Q. Mrs Misra, you have admitted only to what you had to admit to. You had to admit to Mr Noverre there was going to be a shortage because he was going to find it as soon as he did the audit?

F. E. A. I admitted to the truth. I know whichever truth is, I admitted to truth. I know there is, I have done the false accounting. I admitted to it.

G. F. Q. You were stealing ---

H. F. A. I was not stealing.

G. Q. --- for a long time at the post office, were you not?

G. A. I am not that sort of person. Why would I steal? I have got my own shop. I have not a single penny ---

H. Q. Mrs Misra, you have acted in a very dishonest way, have you not, on your own admission?

A. No. I know it is acting dishonestly like the false accounting which I admitted to it, which I have done it. At that time I didn't have any other option. That is the only option I had it and I said that from day one that, yes, I have done the false accounting.

B. Q. Yes. You had to admit to that because the figures were false and they were your figures?

A. It is not like I have to admit it. I admit it because I have done it.

C. Q. You did the false accounting I suggest because you wanted to hide the fact that you were stealing?

A. I was not stealing. I was not stealing.

D. Q. Can you help me on one final matter? You had a transaction notice through about National Lottery tickets, £20,000 you owe because of National Lottery tickets. How did you manage to make that sort of mistake?

E. A. Even I could not understand. When I asked for the more information a whole bundle came in.

F. Q. Yes. They gave you the evidence, didn't they?

A. They gave me the whole bundle. I could not make out of it because it was the figures. I had – I did ask for help to how to work this out, see if there is any error on my end, and I was not given any help. I was like this is my shortage. I have to make it good.

G. Q. So you just accepted it because you could not understand the paperwork?

A. I didn't have any choice.

MR TATFORD: You had the evidence. You could have asked them to explain it to you?

H. A. I did. I did ask and no help was given.

JUDGE STEWART: I think Mrs Misra has given her answer.

A MR TATFORD: So be it. You see, I would just suggest that is another way, a short term way of hiding a loss. You have got to always keep the loss hidden and one thing you can do is pretend you have had £20,000 worth of National Lottery purchases which you have not and that fills £20,000 worth of the hole in the accounts for a short period of time?

B A. No. The Lottery was totally separately. Lottery is in the shop counter. It is in the – and the money comes into the post office, and the reports is not just somebody putting manually. It comes up automatically as well.

C Q. The National Lottery is in the shop?

A. Yeah.

D Q. But the takings go into the post office?

A. Goes into post office, yeah.

E Q. So it is a nice easy way of the takings at the shop or pretending that they are being taken there and then putting the false figures in?

A. I would not do that. It is not anything like, there is money in the shop which is just collected which is on the side for the National Lottery anyway. All I do is put it in the post office which I did.

F MR TATFORD: Yes. I have nothing further. Thank you.

MR HADRILL: Before I re-examine can I just deal with a couple of issues with Mr Tatford?

G JUDGE STEWART: Yes.

MR HADRILL: He has dealt with occasions in June when I certainly was not instructed.

(Pause) Thank you, your Honour.

H

Re-examined by MR HADRILL:

A

Q. Can I make it clear I knew nothing about this case until the summer of last year. All right? You had solicitors who are the solicitors you have acting for you now. Back in when you were charged, I think it was 2009 you went to a local firm of solicitors?

B

A. That is right.

Q. You asked for representation. Did you know anything about court proceedings and what was expected?

C

A. This is my first case.

MR HADRILL: Did you know how efficient or inefficient – no criticism of those solicitors in any shape or form – but what was to be expected? Did you know anything about procedure?

JUDGE STEWART: She said it is her first case.

E

MR HADRILL: Thank you. The defence statement that was put in for you – and my learned friend has agreed that both defence statements can be given to the jury so they can compare because I think even your Honour would comment that the first one is somewhat deficient and if I was standing here before your Honour I think ---

F

JUDGE STEWART: They can be shown to the jury, yes.

MR HADRILL: --- I think I would be getting a flea in my ear, but anyway – even my learned friend says it is deficient. (to the witness) But did you know what was meant to be put into a defence statement or not?

A. No.

JUDGE STEWART: No, she didn't.

H

A MR HADRILL: Thank you. Matters came before this court in the June of last year. You had read about the Horizon system having problems related to it. Did you raise that with your solicitor and counsel on the day?

B A. On the day, I did, before my trial I came across it and I bring it with me which was supposed to be the first day of my trial.

Q. There were concerns you would not get a fair trial?

C A. Yeah.

Q. Was the material shown to the judge and he adjourned for those investigations to be made?

D A. That is right.

MR HADRILL: Did you then dispense with the services of your solicitors and counsel?

JUDGE STEWART: You changed solicitors?

E A. That is right.

MR HADRILL: Thank you. You have been asked a number of things in cross-examination by my learned friend. You were asked in regard to the contract, this thick document which was handed to you. Did you ever read that?

F A. No.

Q. Initially were you provided with a summary? I am looking at a letter here from the Post Office. Did they attach a brief summary of the conditions of the sub-postmaster contract?

G A. Is that the additional work or?

H Q. Sorry?

A. Is that the additional work or?

A MR HADRILL: No. Before you get given the opportunity to sign up with that thick bundle were you given a very small bundle? It was referred to as a summary of conditions for the sub-postmaster's contract.

B JUDGE STEWART: Do you remember?

A. I can't remember.

JUDGE STEWART: No.

C MR HADRILL: All right. But did you bother reading all those pages?

JUDGE STEWART: She has already said "no."

A. I have not read that.

D MR HADRILL: Thank you. It has been put to you that in fact the Calendar Square issue which we have had the experts give evidence, but back on 14th January 2008, your interview, did you know anything about Calendar Square?

E A. No.

F MR HADRILL: We now know that the experts and your defence statement setting out the details was signed and served 21st January 2010. We know that the Post Office nominated Mr Jenkins, their expert, in February of 2010. So did you know anything about Calendar Square in February 2010? I thought it had been put to you by cross-examination.

MR TATFORD: I am so sorry. Can I just ---

G JUDGE STEWART: No. It has not been suggested that she knew about it.

H MR HADRILL: Sorry. I have misunderstood. (to the witness) So did you understand the intricacies of what could be happening with computer systems in regard to generating faults or not?

A. After the trials I came across so many ---

Q. After June last year?

A. After this trial I came to know about a couple of new things could have happened but I didn't know at that time when I was running it.

B. Q. You have been told that you didn't raise a lot of matters when you were interviewed on 14th January 2008 with the Post Office investigators. Did you answer all their questions?

C. A. On the day?

Q. Yes.

A. Yes.

Q. Did you try to mislead them?

D. A. No.

Q. Had you ever been interviewed before?

A. No.

E. Q. When you had the internal hearing on 12th March 08 which has been referred to did you answer all the questions asked of you?

A. That is right, yeah, I did.

F. Q. Were you hoping then still to keep your post office? Did you tell them you were incompetent on 12th March 08 in regard to understanding the Horizon system for good or bad?

G. A. I can't recall.

Q. You have been asked about this euro currency pouch which was missing. I put it to Mr Noverre that in fact that you viewed that it was not missing and we have heard his answers. What is your answer to that euro currency pouch?

H. A. As he mentioned, it only came after Mr Jenkins that it has been sitting there since 7th July – it is from July 2007, my understanding was the currency he was talking about the

A currency which we send it back to Post Office as a special delivery and we check it has been received and it was still saying they have not received it, that he was enquiring about and it give him the specific special delivery numbers.

B Q. You have been asked some mathematical calculations by Mr Jenkins and he says that his view is that it can be that there is an increase in the pouch value cash held. Do you accept that?

C A. Sorry, say again?

C Q. It was put to you by Mr Tatford that Mr Jenkins has said there is a gradual increase in cash held in pouches so losses appear to be going on in 2007. Do you accept that mathematical assessment by him?

D A. I understand that they were saying that the pouch it should be there on 31st December. I understand that, that it would have been there because the next day my collection would be Tuesday.

E Q. Right. That material is missing. That information is missing, is it?

F A. That is the thing I understand.

F Q. Bearing in mind on to the contract that you are there to make up the shortfall of any losses, was there any benefit to you for stealing from yourself?

G A. Sorry, any benefit?

G Q. To steal from yourself?

G A. No.

H Q. Or from the Post Office?

H A. No.

MR HADRILL: I think that is all I have to ask her. Your Honour, there is one witness. I don't know how long that is going to take. Can we leave that until tomorrow morning?

JUDGE STEWART: No. I think we will make a start.

A

MR HADRILL: So be it.

JUDGE STEWART: We can finish her this afternoon. But first can I just ask this, Mrs Misra? You have told us that by the end of 2006 when you sacked the staff or thereabouts there was about £89,000 missing. A little over a year later when the auditors came we have been told there was about £75,000 missing.

B

A. 79 first and then they came down to 77.

C

Q. 75, yes. You have told the jury as I understand it that during 2007 there had been more losses, is that right, and you had also been putting yourself cash into the post office ---

A. That is right.

D

Q. --- which you raised from your family, friends and from the takings of the shop?

A. That is right.

E

Q. Roughly how much money from those sources did you put into the post office in 2007?

A. Up to 2007 or in 2007?

Q. During 2007.

F

A. During 2007. My sister in law gave me 16,000 but that was towards mid 2006 and I owe her about 22,000 plus, so figures from – because my understanding was between 50 and 60,000 so it could be I put it in, I don't know the exact figures, but every day I was putting in the money from the shop which is could be like sometimes just over 100 or 100 or weekend it would be more over the period of time.

Q. So £100 a day from the shop for the whole year?

G

A. Sometimes 100, sometimes it is less than 100. It depends how, whatever the excess I have.

A Q. Yes. On a rough average about £100 a day from the shop?
A. Yeah, a rough average, and from IRRELEVANT is 22 plus. Probably a rough guess the biggest amount was 16,000 which was back in 2006, probably about over ---

B Q. Other friends or family, can you remember?
A. It is Omika is main. I have to think that.

JUDGE STEWART: Omika is the main one. All right. Thank you very much.

C MR HADRILL: Thank you, your Honour.
(witness withdrew)

MR HADRILL: If I could call IRRELEVANT, please.

D JUDGE STEWART: Can you tell me how to spell it, please?

MR HADRILL: IRRELEVANT

JUDGE STEWART: Thank you.

E OMIKA KALIA Sworn
Examined by MR HADRILL:

Q.
A.

F Q.
A.

Q.
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G Q.
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gentlemen

H Q.
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IRRELEVANT

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IRRELEVANT

Cross-examined by MR TATFORD:

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(witness withdrew)

MR HADRILL: Your Honour, that is the defence case.

JUDGE STEWART: Yes. Thank you. There it is, members of the jury. That is as far as we will take it this evening. Tomorrow it will be the closing speeches and the summing up and you will be retiring to deliberate on your verdicts. So if you would like to leave now and have a pleasant evening. Thank you.

F

(In the absence of the jury)

JUDGE STEWART: At 10.15 I will hear any observations you may have about the law and the directions the jury should be given. In particular I would like to hear what you have to say about section 34 ---

MR TATFORD: Yes.

JUDGE STEWART: --- and character, given the pleas to the later counts in the indictment.

H

MR TATFORD: Yes, of course.

JUDGE STEWART: 10.15, please. Thank you. (Court adjourned)