

Memo



Royal Mail

The Real Network

29th March 2012

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REGINA v SEEMA MISRA
GUILDFORD CROWN COURT
CONFISCATION PROCEEDINGS – 23RD APRIL 2012
CASE NO: POLTD/0708/0249

The above named Defendant attended Guildford Crown Court to make an application to vary the Confiscation Order. The case was heard before His Honour Judge Steward (the Trial Judge). The prosecution was conducted by Counsel Mr Warwick Tatford and the Defendant was not represented.

Prior to the hearing the Defendant handed over a bundle of papers to the Court and also copied to the prosecution. Although there had been correspondence before the hearing which showed that the Defendant had an equity available to pay the Order in the sum of £21,000 from the sale of the property, she came to Court with the papers from the Mortgage Company Woolwich which show the property was sold for less and there was no equity or money left whatsoever to pay the Confiscation Order made by the Court.

When the matter went before the Court representation was made by the prosecution that they have only just received the papers from the Defendant and are disappointed as they had no chance to investigate the information given to them. They should be given the proper opportunity to investigate the new information and then subsequently agree the figures before the Court should vary the Order. On the last occasion the prosecution gave the Defendant considerable allowance. Indeed the benefit figure was £83,000 and although the available amount was only £40,000 being the likely equity from the property. It was also pointed out that Post Office Limited has priority over the substantial tax bill which the Defendant owes.

The Judge requested that the Defendant provide all the information which is requested by the prosecution. The case was adjourned in respect of default of agreement until the 23rd April 2012.

The Financial Investigation Officers will investigate the figures and the information provided by the Defendant. If there is no agreement then the matter will be listed for hearing at Guildford Crown Court on the 23rd April 2012.

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I therefore await to hear from the Financial Investigation Officers as to their findings and then hopefully the matter can be agreed.

If I can be of any further assistance please do not hesitate to contact me.

Jarnail Singh
Senior Lawyer
Criminal Law Division

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