

## POST OFFICE LTD - CONFIDENTIAL

84

Name: Khayyam ISHAQ

Rank: Sub postmaster

Branch: Birkenshaw

Branch Code 163 306

Enquiry POLTD/1011/0183  
Reference

Security Operations

Casework Team

Post Office Ltd

MR Khayyam ISHAQ the sub postmaster of the above branch appeared at Bradford Crown Court on Friday 22<sup>nd</sup> April 2013 for sentence.

Mr ISHAQ appeared at Bradford Magistrates Court on 31 May 2012 and entered no plea to a charge of theft of £21,168.64 of Post Office Ltd money. The matter was adjourned for committal on 25 July 2012. On 25 July 2012 the matter was committed to Bradford Crown Court for a PCMH on 4 September 2012 and on this date a trial date for 25 February 2013 was set.

On 25<sup>th</sup> February 2013 at Bradford Crown Court Mr Mark FORD appeared on behalf of the prosecution for Post Office Ltd, Mr Abdul IQBAL represented Mr ISHAQ and His Honour Judge POTTER presided over matters.

Mr ISHAQ declined the offer to plead to the lesser amount of £18673 and a jury was subsequently sworn in. During this day a number of issues including issues by their expert were raised by the defence. All these issues were dealt and the responses only served to strength the Prosecution case.

The defence tried throughout the day but failed in their attempts to have their client enter a guilty plea. The opening speeches by the Prosecution and Defence were heard before the HHJ POTTER adjourned for the day.

On 26<sup>th</sup> February 2013 the trial began in earnest and after the first prosecution witness, the defence barrister Mr IQBAL stated that he was unwell and after the break for lunch, HHJ POTTER accepted that Mr IQBAL could no longer proceed and adjourned the trial until Wednesday 6 March 2013.

The defence expert had examined the Horizon data and agreed with the exhibits that the number of self adhesive stamps at audit were correct and that the adjustment of stock were fictitious. The defence expert was in discussion with the prosecution expert in agreeing a statement.

85

**POST OFFICE LTD - CONFIDENTIAL**

It also came to the attention of the Prosecution that the defence had photocopies of a number of Horizon Final Balance print outs however these had not been formally served.

On 6<sup>th</sup> March 2013 at Bradford Crown Court Mr Mark FORD again appeared on behalf of the prosecution for Post Office Ltd, Mr Adam BIRKBY represented Mr ISHAQ and His Honour Judge POTTER again presided over matters.

Prior to the trial beginning a legal argument took place as the defence who had decided not to call their expert wished to bring to the attention of the jury that a review of the Horizon system was under review by the Post Office and 2<sup>nd</sup> Sight.

The prosecution objected to this on the grounds that the defence were trying to influence the jury and they should call their expert. The prosecution successfully argued their case to the HHJ POTTER.

A second jury was sworn in and the defence passed over seven exhibits of Horizon final balance print outs for various dates between July 2011 and July 2012. The defence did not have the originals to hand.

Birkenshaw Post Office branch was contacted and one of the originals of the Final Balance print outs was found. The branch was visited and all originals were found and a statement taken from the person in the branch.

The second Prosecution witness had commenced their evidence when the trial was adjourned for the day.

The Horizon print outs were examined against the photocopies and it was confirmed that these were the originals. Mr FORD commented that the case was ever stronger as it appeared that Mr ISHAQ with his brother were conspiring to pervert the course of justice and Mr ISHAQ's brother would perjure himself when giving evidence.

On Thursday 7<sup>th</sup> March 2013 prior to the trial recommencing the defence stated that Mr ISHAQ had changed his mind and was willing to plead guilty to the theft of £17683. This was rejected and the defence advised that we would accept the plea to the full amount.

This was rejected by the defence possibly on the grounds that the sum of £21,168.64 took his client into the next band of sentencing.

After due consideration the guilty plea to £17,683 was accepted as Mr FORD advised that this was the offer the previous week and the defence could successfully argue this case to HHJ POTTER. Also as the difference was £2,500 if the trial continued it could cost the tax payer approximately £40,000 as it had a further three to four days to run.

Before accepting the plea Mr FORD ensured that the Prosecution were in possession of a copy of the statement given by Mr ISHAQ's brother.

86

POST OFFICE LTD - CONFIDENTIAL

Mr ISHAQ appeared before HHJ POTTER and entered his guilty plea that was formally returned by the foreman of the Jury.

HHJ POTTER adjourned the matter for pre sentence reports until Friday 19 April 2013 and warned Mr ISHAQ that as he had a high degree of trust that he should prepare himself for the possibility that he may receive a custodial sentence.

A Proceeds of Crime Act timetable was set and the following directions made:

1. Defence statement and Section 18 form by 04 April 2013
2. Prosecution to respond by 02 May 2013
3. Any defence response by 30 May 2013
4. POCA hearing set for 5 July 2013.

In the statement of Mr ISHAQ's brother Itasham ISHAQ, he states that he found the Horizon print outs in an over flowing bin and placed the bin bags in his vehicle and after visiting the tip in December 2012 he found the print out in the boot of his car. He then photocopied these print outs as they may assist his brother who was having trouble with the Post Office. He also stated that he destroyed the originals as they were dirty and tatty.

This matter was discussed and passed to the police on Monday 22 April 2013 for consideration as to whether an attempt to pervert the course of justice has been committed by Mr Itasham ISHAQ.

Mr CLARKE opened in full and re-iterated the point that it was not a fault of the Horizon system. He also presented the case as one with a High Degree of Trust.

Mr BIRKBY responded on behalf of the defendant and confirmed that the Horizon system was not at fault and it was an act of opportunism by him. He also suggested that it was not a High Degree of Trust case and compared his client acting as a sub postmaster to be the same as a Burger King Manager.

On 22 April 2013 upon hearing the facts of the case and the mitigation advanced on behalf of the defendant and on reading the pre sentence report HHJ POTTER sentenced Mr ISHAQ to an immediate custodial sentence of 54 weeks.

No investigation or prosecution costs were ordered until the outcome of the POCA hearing. The figure of £22,914.45 was placed on record.

These papers are sent so that the outcome can be noted and the papers filed away in due course.

**GRO**

S Bradshaw  
Security Manager  
Post Office Ltd Security Team.  
21 April 2013