

A IN THE CROWN COURT
AT GUILDFORD

No: T20090070

Bedford Road
Guildford

Tuesday 12th October 2010

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Before:

HIS HONOUR JUDGE N.A. STEWART

REGINA

-v-

SEEMA MISRA

(Transcribed from tape by Marten Walsh Cherer Ltd,
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Official Court Reporters)

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MR W. TATFORD appeared on behalf of the PROSECUTION

MR K. HADRILL appeared on behalf of the DEFENCE

PROCEEDINGS ON TUESDAY 12th OCTOBER 2010
(DAY 2)

Tuesday 12th October 2010

(In the absence of the jury)

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MR HADRILL: Your Honour, before the jury come into court can I say this and just an update in regard to the technical evidence? Both the experts are in court at the moment, but Professor McLachlan has received material which was said to be forthcoming. It has not been examined but it has been started to be looked at. I have had a very brief discussion with Professor McLachlan. What we propose to happen this morning is that both the experts would sit down, Professor McLachlan will be further assisted by Mr Jenkins and at a conclusion, how long that will take I don't know. He will then gather his thoughts, that is Professor McLachlan, do a report for me and I will need time then to discuss matters to see if anything arises or not. What I would ask and propose that the timetable for today is this, that we continue with the lay witnesses – I say lay witnesses –the Post Office and Fujitsu employees, but at a suitable time we draw stumps for the day. I say for the simple reason it is not a question of me just sitting down over lunch and eating a sandwich. I need to have some quality time with my expert and I would ask that whatever time it is that I am given sufficient time for this afternoon, perhaps the whole of the afternoon, to be able to discuss these details to make sure we don't have too many hiccups as the trial proceeds. I don't know if that finds favour or not?

G
JUDGE STEWART: Yes, I think so.

MR HADRILL: Thank you.

H
JUDGE STEWART: It seems to me it is possible to make a great deal of progress in the trial just leaving the experts really.

MR TATFORD: Yes. I would anticipate that we would hear all the evidence in the trial bar the experts today and in good time today I suspect.

A JUDGE STEWART: Yes. Good.

MR HADRILL: So the timetable, I suppose if we stopped, say, by 1 o'clock whether we have finished all the lay evidence or not, that gives me the afternoon with the Professor. The experts can remain this afternoon in case other matters arise. We would not trouble your Honour I would anticipate.

B JUDGE STEWART: I am not going to promise that we will finish at any set time whether we have finished the other evidence or not because I don't know what effect that would have on witnesses and inconveniencing people.

C MR HADRILL: I don't know, but ---

D JUDGE STEWART: So the sooner we get going the better.

MR HADRILL: So be it.

JUDGE STEWART: Thank you. The jury, please.

(Jury return to court)

E JUDGE STEWART: Mr Tatford?

MR TATFORD: Could I call Kevin Noverre, please?

F JUDGE STEWART: Yes. It is spelt, for the jury?

MR TATFORD: N-O-V-E-R-R-E. In fact the correct name is Keith Noverre. I was going by a typing error on the first page.

G KEITH NOVERRE Sworn
Examined by MR TATFORD:

Q. Your full name, please?

A. Keith Andrew Noverre.

H Q. Mr Noverre, when you give your evidence, it is a big courtroom and the jury need to hear what you say, so speak nice and loudly, please.

A. Okay, will do.

A

Q. Can I also ask you to give your evidence at a slow pace because his Honour and other people in court take a note of what you say and if you speak at a normal conversation pace nobody can keep up?

B

A. Okay.

Q. By all means look directly at the jury. That may help you keep your voice up. You are employed by the Post Office Ltd as an auditor. Is that right?

C

A. That is correct, yes.

Q. You have held that position I think since September 2003?

A. That is correct.

D

Q. An audit at a post office, what does it actually involve, just in brief terms, please?

A. Checking all the cash and stock that is on hand at the branch and you verify against like an office snapshot.

E

Q. An office snapshot is what, please?

A. It gives you a breakdown of all the transactions and what is on hand over that period.

F

Q. So an audit, would another way to describe it be a stock take?

A. Yes, a stock take of the branch, yeah.

Q. So checking the stock, money, stamps, that sort of thing ---

G

A. Everything that is on hand, yeah.

Q. --- against the records on the computer system?

A. That is correct.

H

Q. I think you attended West Byfleet sub-post office on 14th January 2008?

A. That is correct, yes.

Q. In Station Approach, West Byfleet?

- A** A. Yes, that is correct.
- Q. You arrived about 8.30 in the morning. Is that right?
- A. That is right, yeah.
- B** Q. First of all, the audit. It was entirely a routine audit. Is that right?
- A. It was a routine audit as far as I can recall, yeah.
- Q. The idea is that on a regular basis albeit not on a frequent basis post offices have to have audits?
- C** A. That is correct, yeah.
- Q. Is there a rule as to how many audits there should be over a period of time?
- A. Okay, three or four a year, one a year, one every couple of years.
- D** MR TATFORD: So it can vary quite a lot?
- A. It can vary, yeah.
- JUDGE STEWART: Is it by appointment or do you just turn up?
- E** A. We get told where to go, so we get like a schedule, you know, a week in advance or something and we are told to go the following week, so it is not an appointment. They don't know we are coming.
- F** JUDGE STEWART: They don't know you are coming. Yes.
- MR TATFORD: You attended there at 8.30 in the morning. Was there a reason for attending so early?
- G** A. We have to arrive half an hour before they open so we can try and get them opened up as early as possible once we have done our checking.
- Q. How long does an audit usually take?
- H** A. Literally how long is a piece of string. It depends on what we have got to check and how organised the branch is.

- A** Q. I see, but for a small branch, say, with three counters?
- A. A full check, it depends how many auditors we have got but probably an hour to two hours. It depends how much, how many staff we have got to do the audit.
- B** Q. When you arrived was there a member of staff present?
- A. There was a member of staff arrived just after we turned up.
- Q. And that was a Mr Ali Raza. Is that right?
- A. That is correct, yeah.
- C** Q. So you turned up first and then Ali Raza turned up to open up the shop?
- A. The shop was open but me and my colleagues, as far as I can remember, obviously it is about three years ago now, we waited at the back for somebody to turn up
- D** because the post office is at the back of the shop.
- Q. So there is a shop, a convenience store shop?
- A. A convenience store, yeah.
- E** Q. And one goes right to the back of the convenience store to the post office?
- A. That is where the post office is.
- Q. So it was a Mr Ali Raza who turned up shortly after arrival to open up the post
- F** office?
- A. And we explained what we were there for, etc, and he let us in.
- Q. Can I pass to you, please, a copy of our jury bundle? This is a photocopied bundle
- G** of some of the exhibits in the case, and in relation to you I will pass your original exhibits as well. (handed) You completed, did you not, a report of the audit?
- A. That is correct, yeah.
- H** Q. And that is set out at pages 7 to 10 in the jury bundle. Is that a photocopy of your report?

A

A. That is a photocopy of my report, yeah.

Q. You completed, we can see on the first page there is a date for your report, dated 16th January. Was that when you completed the report?

B

A. That is when I completed, yeah, two days later, yeah.

Q. Presumably matters were rather fresher in your mind two days after the audit than they are now?

C

A. Exactly.

Q. Can I also pass up to you the original, please? (handed) Could you just look at that and confirm it is the original report?

D

A. Yeah. That is the original report, yeah.

MR TATFORD: Could that be exhibit 1, please, your Honour?

JUDGE STEWART: Yes.

E

MR TATFORD: (to the witness) So can we turn to your report on page 8 and we can follow through your report as you give evidence. You arrived as you have told us, we can see from the reports you arrived at the branch at 8.30 in the morning, introduced yourselves to a member of staff, Mr Ali Raza, when he arrived at approximately 8.40?

F

A. That is correct, yeah.

Q. He allowed you access to the secure area. What is the secure area, please?

G

A. That is the area where the post office you are going through, coming over one or two security doors into where the post office counter positions are and the safe.

H

Q. So there is a locked door or at least one locked door between the shop and the post office?

A

A. Yeah. There will definitely be at least one and I can't remember if there is one or two at that branch now but there would definitely be one locked door where you would need to get into the post office area.

B

Q. Going back to your report, we can see that you are allowed access to the area. Mr Raza allowed you in, but he didn't stay while the audit was carried out?

A. No. That is correct.

C

Q. Then did somebody arrive?

A. Yeah, Mr Davinder Misra, the husband of the postmistress arrived.

Q. And he did what when he arrived, please?

D

A. Well, he was in attendance while we started. He opened the safe up and was in attendance while we started checking the cash and stock.

Q. Would you have been able to open up the safe yourself?

E

A. No. We would not have the safe keys for a start so ---

Q. So he had the keys and was able to open it up?

F

A. I can't remember if he had the keys or the other gentleman Mr Raza but one of them had the keys and they have to open up and show us where each individual stock unit would be kept.

Q. Thank you. Mr Misra told you that his wife was visiting relatives?

G

A. Yeah, that is correct, yeah.

Q. Where was she visiting relatives?

A. Up in Luton.

H

Q. In a post office are there something called stocks?

A. There are stocks, yeah.

Q. What is a stock?

A

A. It is an individual stock unit which is made up of cash and stock. Some branches only have one for the whole office. This particular one had six, so for each different counter clerk they would have their own stock unit.

B

Q. The stock unit, it is a drawer, is it, or ---

A. Each office works different ways but normally you would keep all your cash and stock together, maybe in it is like a big pouch or bag and then that is locked in the safe overnight securely.

C

Q. So the stock is down to an individual working at the post office?

A. What they would have, they would have cash in stock like postage stamps. It would be a smaller version you would have a main one which is like the bulk cash and stock and then you would transfer it over when they require more stock, cash, etc.

D

Q. When somebody is working on a counter they would conduct transactions with customers using their stock?

E

A. That is correct, yeah.

Q. Mrs Misra arrived at around 10.45. Is that right?

F

A. Around that time, yeah.

Q. When she arrived did she tell you anything?

G

A. Yeah. She said "can I speak to you and have a word?" and we went out to the back, behind the back of the post office and then she told me the account would be, if I can just check the notes on here, about 50 to £60,000 short.

Q. Did she explain how the account had come to be 50 to £60,000 short?

H

A. She explained that a member or maybe more than one staff member had taken 89K the previous year or so and that is where the missing cash had gone.

Q. So she said that, was it a member of staff or more than one?

A

A. I am not 100% sure whether it was a member or more than one at the time. I can't recall it to be honest.

Q. But they had taken how much?

B

A. Approximately about £89,000.

Q. And this had been a year previously?

A. Approximately about a year beforehand, yeah.

C

Q. I think in fact if we look at your notes, your report, you say that "Seema explained that over a year ago the theft had taken place?"

A. Yes. I think that was very, a rough estimate anyway.

D

Q. Yes, and just looking at that penultimate paragraph on page 8, your words: "Seema explained that over a year ago some previous staff had taken 89,000 from the branch", does that help you, looking at the report, as to whether it was one person she was referring to or more than one?

E

A. I would say reading the report it means more than one person but I can't recall the exact conversation at the time.

F

Q. Looking at your report, you go on to say "she explained she had not informed anyone from the Post Office as she was worried that the branch would be closed. She also explained that they had made some of the loss good and would look at ways at making the remaining outstanding amount good. Seema confirmed all balances had been adjusted to show a clear trading position at the end of each period."

G

A. That is correct.

H

Q. What did you understand her to mean by that last sentence in your report?

A

A. So every time we get a trading period which is approximately about four to five weeks work she would balance up her cash and stock, get the figure to whichever how much is short and then adjust the cash accordingly to make it balance.

B

Q. So she had done what to make it balance, just in layman's language?

A. Falsified her accounts.

Q. Did you need Mrs Misra's assistance to help you with the audit?

C

A. We did because the previous trading period had not been completed on the previous Wednesday.

Q. So the day you arrived was a Monday?

D

A. A Monday, yeah.

Q. And the office should have been balanced the previous Wednesday?

E

A. Yeah. The trading period should be completed every four weeks and it must be done over the Wednesday evening or at the latest Thursday morning and that is when all the stocks are rolled over into the next TP, trading period.

Q. So this had not fully been done. Is that right?

F

A. No. Half the stocks had been and half the stocks had not been.

Q. And there are six stocks in total at the branch?

A. That is correct, yeah.

G

Q. So you asked Mrs Misra to do what?

H

A. To complete the balance for the trading period because the office snapshot which gives a breakdown of the whole office was still in the previous TP, trading period, so we have to get them all into the same trading period so we get a true figure of the actual what is on hand at the branch.

A

Q. So you needed a true record of what should be on hand at the branch so that you could check to see if the record was right?

B

A. Yeah. The office, because there was three stocks in TP9 and some were in TP10 we had to obviously get them all into TP10 to get a true reflection of exactly what we were checking on hand.

C

Q. The branch trading statement that Mrs Misra produced, we can see that in our bundle pages 1 to 4. Is that right?

A. Yeah, that is correct.

D

Q. The copying actually isn't too bad, but can I pass you the original and just ask you to check that that is the original, please? (handed)

A. Yeah, that is the original.

E

Q. Can we look at our jury bundle then and by all means use the original if you wish to as well. But looking at page 1, if we turn it 90 degrees so we can read it, are you interested in all these figures that are produced or do you focus on some particular figures for your audit?

F

A. When we do an audit we would concentrate on the fourth bit. Where it says "cash on hand carried forward, 55,642.47" they would be the figures that we would check from the previous trading period and all the figures below that up to "total carried forward."

G

Q. So you are focusing at the fourth block down?

A. The fourth block down, yeah.

H

Q. So can we go through what the terms mean? "Cash on hand carried forward", what does that mean, please?

A. It is at the completion of the trading period which should have been completed the previous week. There should be £55,642.47 on hand.

- A** Q. What is the next row, please?
- A. "All currencies awaiting collection." That is when you are going to remittance cash and stock out through the cash and rem unit and there should have been £30,930.07 there.
- B** Q. Because cash can be sent to the rem unit?
- A. That is right, yeah, if you have got too much cash.
- C** MR TATFORD: Yes.
- JUDGE STEWART: "Rem" meaning?
- A. "Remittance", sorry. Remittance unit, yeah.
- D** Q. "Remittance unit." So that is the department to which a branch sends?
- A. Sends or gets money in. You can get either get money in or send money back if they are surplus. Some branches pay out more. Other branches get paid in too much and they have to rem, remittance it back out to the cash centre.
- E** Q. I suppose, if my understanding is right, because the Post Office is a slightly unusual institution in some ways in that it does not just sell things for money but it also has to hand out money to people against some sort of document or something or other so it
- F** might ---
- A. Yeah. It pays out pensions, etc, and benefits and bits and pieces.
- G** Q. Yes. So it might gain cash over a period or it might actually lose cash in a genuine way?
- A. You may have like business bankers pay in to use, so they may pay more than they actually pay out.
- H** JUDGE STEWART: Thank you.

A

MR TATFORD: "Currencies awaiting collection carried forward", so that is monies that are supposed to be collected to go to the rem unit?

A. Awaiting collection, yeah.

B

Q. "Suspense carried forward", it is zero, but can you help us with what that means?

A. There is a suspense account which you can put in discrepancies, like if you send it off for remittance and it was £10 short or £20 surplus you can hold it in there until you get a transaction correction which will then clear it out of your suspense account.

C

Q. Then the next line, "other MOPC forward." What does that mean, please?

A. That would be cheques on hand or any vouchers on hand but mainly just cheques that would be.

D

MR TATFORD: "MOP" stands for what?

JUDGE STEWART: "Method of payment?"

MR TATFORD: Would that be right?

E

A. That is probably right. I don't know. Thank you.

MR TATFORD: Yes. "Forex carried forward", "foreign exchange carried forward?"

F

A. Foreign, yeah, foreign currency carried forward, yeah.

Q. And then "other postage carried forward?"

A. That is just your like penny postage down to your £5 postage stamps. That would not include first class, second class. It would just be your normal definitive stamps.

G

Q. So the total cash carried forward, £102,867?

A. Yeah.

H

MR TATFORD: So what in total would you expect to find when you have a branch trading statement when you actually examine the cash present?

A

A. We would expect to find all those figures as being correct and also on page 3 of the trading statement all the stock, which is the volume stock, to be correct and accurate.

JUDGE STEWART: So these are the various things which have value?

B

A. They have value when you sell them, yeah, but if you are short then it is, obviously depending like a first class stamp would be 41p short now, so if you had a hundred short you would be £41 off surplus either way.

C

MR TATFORD: Page 4, could you look at that, please?

A. Page 4, yeah.

D

Q. "I certify that the content of this balancing and trading statement is an accurate reflection of the cash and stock on hand at this branch", and whose signature is it for that declaration?

A. That is the postmistress.

E

Q. So that is Mrs Misra's signature?

A. Yeah.

F

Q. And this document has to be produced by the sub-postmistress in this case every month?

A. Every four to five weeks either the sub-postmistress or her manager depending because they don't work always in the branch, but whoever is in charge of the branch. It is the sub-postmistress's responsibility but a manager can do it on their behalf.

G

Q. Is it right that for each trading period, each month or just over a month there is a similar declaration at the end certifying that the document is an accurate document?

H

A. Yeah. Each trading period there should be one of these which they retain for five or six years, six years, and they should all be signed and retained.

Q. So when this document is produced would you expect cash to be counted?

A

A. I would expect this to be an accurate reflection of the branch. When you complete a trading period this should be spot on.

Q. Yes. If it isn't spot on, if there is a deficiency, what should happen?

B

A. At the end of the trading period, it depends on the amount, they can either, if it is a shortage or a surplus they can make it good or take it out. If it is large either way they can set an (inaudible) to Chesterfield and then they will resolve it normally through their remuneration.

C

MR TATFORD: But a loss, a deficiency, that has to be declared?

D

A. It has to be declared. It has to be shown, so if you are £10 short or a thousand pounds short you have to show that and either put the £10 in or if you are a thousand pounds short they often get the option of sending it up to Chesterfield and that will be deducted out of their remuneration as long as the contracts manager agrees to that.

E

JUDGE STEWART: What is Chesterfield?

A. It is like our head office where they do all the product and branch accounting.

MR TATFORD: So a loss has to be made good by the sub-postmaster?

F

A. Yes.

Q. The alternative position, if there is a surplus and the postmaster is owed money?

A. They can withdraw it.

G

Q. They can withdraw it themselves. Can you help us on page 1 where it is that the discrepancy is set out?

A. Do you want me to explain it, yeah, sorry?

H

Q. Yes, if you could. First of all take us to the part of the document where it is set out, please.

A. It is the fifth block downwards.

A

Q. So the fifth block down, there are four lines beginning “discrepancy.” Is that right?

A. Yeah, four lines, yeah, “transfer, transfer resolved”, yeah.

B

Q. So what does the information set out there tell us?

A. You have got discrepancy over and discrepancy short, so obviously one figure take away the other comes to the 5415 which is the fourth figure down.

C

Q. So a surplus and a deficiency?

A. Yeah, which would have shown on top of the office snapshot.

Q. So you take the surplus away from the deficiency and you have what?

D

A. A shortage of £5,415 which is said it has been resolved, so that means they resolve it by putting that money in, making the account balance.

E

Q. Who actually enters these figures or how are these figures entered on the computer, for “cash on hand carried forward?” Did Mrs Misra have to do something to enter that figure?

A. She would have to balance up and roll over into the next trading period, so she would put the cash figures in to make it, to make it balance.

F

Q. So this cash figure in our fourth block, £55,642.47, who has put that figure into the computer?

G

A. That is an amalgamation of the six stock units, so each individual may have done their own stock unit because everybody does their own stock unit, but at the end of the day the responsibility of the whole office would be Mrs Misra’s to make sure all that cash is correct.

H

Q. So that figure is entered by whom?

A. What, the total figure?

A

Q. The cash on hand carried forward, £55,642?

B

A. That is the six documents combined, so if each individual clerk has got their own stock unit they would put their own stock, their own cash figure in. So if one stock had 2,000, one had 3,000, that would become one individual clerk. Mrs Misra's job is to make sure that those stocks are all correct.

C

Q. So the clerks balance their own stocks?

A. They balance their own and roll over their own.

Q. So they check the money?

A. Yeah.

D

Q. Do they obtain printouts from the computer as to what money they should have?

A. They have a file balance snapshot which they would retain.

E

Q. So if a clerk is checking to see what cash they have can they print out a document to see what the computer thinks they should have in their stock ---

A. Yeah.

Q. --- and then they can count the cash against the printout?

F

A. Yeah. They can get a balance snapshot and that will say you have got 5,000, just an example, and then they can count it and hopefully they have got the 5,000. If they have got 5,100 they have got £100 surplus or vice versa.

G

Q. So the process is a group action?

A. Yeah, for each individual stock.

H

Q. Each individual stockholder balances their stock and checks if it is right or declares a loss or a surplus?

A

A. That is the normal process. I mean, I can't speak to how, as to how they work in that office, but that would be the normal process. The clerk would be responsible for their own stock unit.

B

Q. Then overall responsibility is taken by the sub-postmistress in this case?

A. That is correct, yeah.

Q. So this document is prepared by Mrs Misra?

C

A. Yeah.

Q. Who is responsible for these figures as set out in our fourth block?

A. Mrs Misra because she is the sub-postmistress.

D

Q. So by saying, for example, just take as an example the second row down, "all currencies awaiting collection carry forward £30,930", that is Mrs Misra ---

A. Responsibility to make sure ---

E

Q. --- saying that is the figure?

A. Yeah.

Q. In this case three stocks I think had been balanced and Mrs Misra had to balance three more before she could produce this document?

F

A. That is correct, yeah, because that should have been done the previous week.

Q. Yes. Just looking at our page 1 again, "all currencies awaiting collection", according to Mrs Misra's document £30,930.07, and we can see that has been put in the suspense account. Is that right?

G

A. It would go in the suspense, yeah. On there it shows different but it is part of the suspense and then when it gets collected we send(?) what we call an ACC card and it gets removed once the cash in transit people have collected the cash and stock, etc.

H

A

Q. So this is money that is, according to the declaration by Mrs Misra, going to be collected?

A. Yeah. This is money in addition to the 55.

B

Q. Yes. So she is saying in the document "I have got £55,642 in cash in the branch?"

A. Yeah.

Q. "And I have also got £30,930 to be collected to go to the rem unit."

C

A. That is correct.

Q. Cash is sent to the rem unit in what? Is it contained in something?

A. A grey pouch, up to a maximum of 25K per pouch.

D

Q. So a pouch has up to £25,000 in it?

A. That is the most you can put in one particular pouch.

E

Q. When you send out a pouch containing cash do you just put the cash in the bag or is there some sort of printed record of what should be there?

A. You have go into the Horizon system, book out what you are sending out, so if you are sending out 5 and 10's, 5 and 20's that gives you a remittance slip and then you attach a remittance slip inside the bag with the money and then you seal it awaiting for the collection.

F

Q. Did you see any cash pouches awaiting collection?

A. We saw two cash pouches, yeah.

G

Q. Did you see them of your own accord or did Mrs Misra show them to you?

A. I think Mrs Misra showed them to me but I can't remember because it has been three years ago but I am pretty sure she produced them. I would have to check my report for that bit.

H

A

Q. Yes. Have a look at your report. It may help you. Yes. If you look at page 9, the third paragraph down?

B

A. Yes. So Mrs Misra produced those grey pouches with the rem slips that were dated five days previously.

C

Q. So she produced two pouches for you, and did they contain any cash?

A. No. They were both empty.

Q. But they had what inside them?

A. The remittance slip showing what should have been inside there.

D

Q. We have those in our jury bundle. Could you look at page 5, please? Page 5 shows what, please?

A. That shows the remittance slip which was signed by Mrs Misra and the date stamp and the top copy is her copy which is retained in the branch.

E

Q. I see. So we have got photocopies on one page but two distinct copies?

A. Yeah. The bottom one goes with the cash in the pouch and the top one is retained at the branch.

F

Q. So it is a document Mrs Misra has signed. Yes?

A. Yeah, that is correct.

G

Q. And it has been date stamped 9th January, and is there any information on that return advice note that indicates who is responsible for this document?

A. The person who made up the pouch would be responsible for that.

H

Q. But does the record show us?

A. Well, it is just a signature. I mean, at the end of the day the person who signed it but it would always fall back on the postmistress. Even if a member of staff made this pouch up it is their responsibility to check to make sure it is correct.

A

MR TATFORD: I see. But if we look at the top we can see it is West Byfleet and there is a time, 1749 on 9th January. Underneath on the right as we look at it, it says “clerk ID SM1001.” Can you help us with that?

B

A. That is Mrs Misra’s user ID.

JUDGE STEWART: It is “SMI001.”

MR TATFORD: “SMI.” Thank you, your Honour.

C

A. What that letter is is the first letter of your first name and the first two letters of your surname followed by three numbers.

D

Q. Because in a post office different members of staff have different user names. Is that right?

A. That is correct. Each one would have their own individual user name.

E

Q. So it would be the first letter of their first name and the first two letters of their surname?

A. That is correct, yeah.

F

Q. Do they also have a password?

A. They all have their own password which would all be confidential.

G

Q. Yes. So essentially that allows a member of staff to claim responsibility for what they do?

A. Exactly. Nobody should share passwords because then you end up sharing logons, but, yeah, everyone would have their own logon ID, password so they use their own logon ID.

H

Q. So when a member of staff goes to work they log into the computer?

A. Yeah.

Q. And they use the computer having entered it via their user name and password?

- A** A. That is correct.
- Q. So the transactions conducted by that person, can it be illustrated in the Horizon records as to who has been responsible for transactions?
- B** A. You can go into the Horizon and do a transaction of the one individual to see what transactions they have done.
- Q. So if you want to find out what Mr Raza did for a week ---
- C** A. Yeah.
- Q. --- you could put in his details?
- A. User ID.
- Q. And then you would get a whole list of all his transactions?
- D** A. Yeah.
- Q. Can I ask you to have a look at page 6 as well? Is that the other two documents in relation to the £14,000?
- E** A. Yeah. That is the second pouch and obviously the same information and the same user ID as well.
- Q. Yes. Can I pass up to you the originals of these two sets of documents? I think you may have to use some scissors to open these bags. (handed)
- F** A. They are actually open.
- Q. They are open. Thank you.
- G** A. They were never sealed.
- Q. I see. Could you hold up, please, first of all what we have on page 5, the 13,000? Can you get that out of the bag for us?
- H** A. That is that one there, 559.
- Q. Yes. Could you get the document out of the bag so we can see what it looks like?

A

A. Oh, sorry. There is two inside.

Q. So we can see that what we have photocopied are two distinct slips of paper?

A. That is the one that goes back and that is the one that is retained at the branch.

B

MR TATFORD: Yes. Your Honour, could those two originals be exhibit 3, please?

JUDGE STEWART: Do you want them exhibited with the bag?

MR TATFORD: No. I suspect it is better without the bag.

C

JUDGE STEWART: It is photocopied on page 5, is it, part of the bag, the bar code on the bag?

MR TATFORD: Yes, it is. I suspect it may be easier for the jury in due course if they are out of the bag so that they can be seen more readily perhaps.

D

JUDGE STEWART: So the two slips will be exhibited and the bag will be exhibited. Thank you.

E

MR TATFORD: Yes, on top of the bag perhaps is best, if they could just be attached by a paperclip or a staple. Thank you.

JUDGE STEWART: Can we avoid stapling exhibits? Do you mind?

F

MR TATFORD: Thank you.

JUDGE STEWART: So that is the first one and that is the next one.

MR TATFORD: (to the witness) Do you have the other one in there as well?

G

A. That is the receipt that would go back and that is the copy the branch would retain.

Q. Yes. If those two could be our exhibit 4, please? So if you add those two figures, 13,000 and 14,000, it comes to £27,000?

H

A. That is correct, yeah.

A

Q. Mrs Misra volunteered these two pouches to you with the receipts but no cash in the bags?

B

A. That is correct, yeah. We would have seen in the suspense account there was £27,000 sitting there so we would have said “can we see that, please?” and that is when she would have produced the two bags.

C

Q. I see. So you did ask to see it and then she produced it?

A. I expect that would have been the case, yeah.

D

Q. Right. Shall we just have a look, please, at page 1? The fourth block down, and we are looking at “all currencies awaiting collection”, we see in fact the figure there is not £27,000. It is in fact £30,930.07. So you were shown slips that added up to £27,000 but were you shown anything for the remaining £3,930.07?

E

A. No. That was foreign currency which goes back in a separate pouch, but there was no pouch and nothing to substantiate that amount at all. We didn’t see any evidence on that figure at all. That literally disappeared.

F

Q. Yes. Was Mrs Misra able to help as to where it had gone?

A. She could give no explanation as to that figure at all, as to where it was or where it had gone.

G

Q. So having been provided with this document by Mrs Misra and having seen the slips that we have produced you then conducted the audit. Is that right?

H

A. We would have completed the audit. We would have counted probably the initial three stocks that were in the trading period 10, then we would have finished off the rest of the audit. Well, we could not complete the audit until the whole office was rolled into TP10 to get a true reflection of what we should be counting.

A

Q. I suppose there are all sorts of things you can do while you are waiting for Mrs Misra to do things?

B

A. Yeah. We can check what was on hand in the three stocks that had been rolled over because they were in the correct trading period but the other ones we had to wait until we got into trading period 10.

C

Q. Yes, and you were also informed, were you not – and I am looking at page 9 in the jury bundle at your report – you were informed, the fourth paragraph down, that there was in fact an outstanding debt owed by Mrs Misra in the sum of £3,034.03?

D

A. That is correct, yes.

Q. So that is a debt you had to have regard to in coming to your figures for the audit?

A. That was sitting up in Chesterfield in our product branch accounting team. That was already owed in addition to anything we found at the audit.

E

Q. So Chesterfield knew about that money being owed?

A. Yes. So that is I assume she may have made when she balanced that previously. I don't know what that was made up of, but it could have been settled centrally to be made good. I am not 100% sure what that was made up of.

F

Q. All right. We can see from your report just underneath that “we continued checking the other stock units which revealed the following discrepancies” and then you have listed the various stocks, AA, BB, CC, DD, OOH, SMI. Do you know whose stocks those were or we can hear from somebody else?

G

A. I can't remember. I could not – there is no way. I would be guessing.

H

Q. All right. It can be confirmed through evidence in due course. But these are deficiencies in relation to different stocks?

A. That is correct, yeah.

- A** Q. So £37,395.47 missing from stock AA?
- A. That is correct, yeah.
- Q. £209.68 missing from stock BB?
- B** A. Yeah.
- Q. £2,444.60 missing from stock CC, £738.77 missing from stock DD, one stock OOH no problems on that. Then SMI, which you told us was a stock of Mrs Misra, £2,891.25?
- C** A. That is it, yeah.
- Q. Is it common for sub-postmasters or mistresses to have more than one stock to themselves in a branch?
- D** A. They could have a main stock and a counter stock. They would not be able to have more than two though I would say.
- Q. Yes. The main stock would be situated where?
- E** A. In the main safe.
- Q. In the main safe, and presumably most of the money ---
- A. Would be retained in there.
- F** Q. --- is retained in the safe?
- A. Well, it has to be in case of an incident. It has to be in the safe otherwise they would have had problems.
- G** Q. Yes. If some robbers come in you don't want them to be able to get to all the cash?
- H** A. Exactly. They should be kept locked in a safe and if they have got a 40 minute(?) they should be kept in there as well, which is a safe inside a safe.

A

Q. So looking at these figures and the amounts owed, AA, can you infer from what you have just told us about where most of the money should be kept? Can you help us with what AA would appear to refer to?

B

A. AA was possibly the main stock.

Q. So possibly the main stock in the safe but you cannot ---

A. I can't remember because I am going back quite a while, but ---

C

Q. All right. It can be dealt with in due course by another witness.

A. I would have to check my working papers on that to see.

Q. Is it something that you can check yourself?

D

A. If you have got the working papers with all the cash in it I could tell you probably if it is the main stock.

E

Q. All right. In due course it can be made clear, your Honour, either by evidence or by way of admission. Thank you. So taking those losses into account and also the missing currency and the rem pouches of £27,000 and the mystery missing foreign currency of £3,930.07, putting all the figures together what was the overall amount missing from the branch?

F

A. Including the outstanding debt up in Chesterfield, yeah?

Q. First of all including that debt?

G

A. That is 77,643.87.

Q. Then take the debt off. What was the result?

A. Off the top of my head, 74,609.84 I think it is, but I am doing it in my head.

H

MR TATFORD: Yes. I think you have got it right. Your Honour, the 74,000 figure is of course the figure on our indictment on count 1.

A

JUDGE STEWART: Yes. So it is a shortfall in the various stocks, the £27,000 that was not in those two envelopes and the £3,900 odd foreign currency that was not to be found?

A. Yeah, that is correct.

B

MR TATFORD: You have told us about individual stocks and individual members of staff being responsible for balancing their own stock, but the sub-postmistress in this case has overall responsibility?

A. Overall, yeah. Whoever she employs it is her responsibility.

C

Q. Does that mean in producing the branch trading statement, can you help us, is it possible for the sub-postmistress in fact to falsify the figures of other stockholders?

A. What, in each individual stock?

D

Q. Yes.

A. I would not know what responsibility she had on the other stock so I could not really, I would be guessing on that one.

E

Q. All right. So be it. I think, and just to conclude your report set out on page 9 the various figures, at about 2 p.m. some Post Office investigators arrived, a Mr Morris, Mr Longman and Mrs Allen?

F

A. Yes, that is correct.

Q. And a decision was taken to suspend Mrs Misra and the branch was transferred to a Mr Vasarmy?

G

A. That is correct.

Q. We can see that there was a giro banking amount received on 12th January that was left out of the safe and was not entered into Horizon?

H

A. That is correct, yeah.

MR TATFORD: So is that somebody banking money on the Saturday?

A

A. Yeah, which they had not entered, so that was verified by Mrs Misra and one of my colleagues and then we put that through the system before we completed the audit.

B

JUDGE STEWART: Sorry. I fell behind there. I don't know how important that was but I didn't catch it. What were you saying?

MR TATFORD: Could you help us with the bank giro? Giro banking of £1240?

C

A. It is like customers come in on the Saturday two days before, brought in a £1240 giro transaction and it had been left out on the side and not been put through the system, but when we put it through the system that was all correct.

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

D

Cross-examined by MR HADRILL:

Q. You attended Monday 14th January at 8.30 or 8.45 you have told us. First of all, had you ever been to this sub-post office before?

E

A. I have been doing this job for seven years and I am not 100% sure if I have. I can't remember. I go to so many I can't remember.

Q. But we know that Mrs Misra took over in June of 05?

F

A. Mmm mm.

Q. There was an audit presumably by you or one of your team in the October 05 ---

A. Right, okay, yeah.

G

Q. --- resulting in her having to account essentially for some £3,000 or so. We can go to the figures later.

A. Okay, yeah.

H

Q. You go again in 2007. I can show you the letter in a second. Do you carry out an audit in the summer of 2007?

A. I may have assisted it. I don't think I led it.

A

Q. You may have assisted?

A. Pardon?

Q. You may have assisted?

B

A. Yeah. If I lead them I can remember but when you are assistant you can't always remember where you go because you just do whatever the lead auditor tells you, but I can't remember. I could not say yes or no I was there without checking the records.

C

Q. The reality is this, that the sub-postmistress or master is responsible for the losses?

A. It is their responsibility at the end of the day, yeah.

D

Q. Whether it is £5 or £50,000 it is down to them?

A. It falls back on them, yeah.

E

Q. What you do when you turn up for an audit, you go in. You get the printout from the Horizon computer of how much cash and how much stock there should be?

A. For each stock unit, yeah.

F

Q. You get a password, put the password into the machinery and it gives you a global figure which you can then audit for cross-reference?

A. We verify those actual figures are correct.

G

Q. And if there are inaccuracies you notify the sub-postmistress there is an inaccuracy, an error, and they have a number of choices. They can either put the money directly into the till there and then to make it square?

H

A. We have to report over a certain figure there anyway. Even if they make it good we have to report to their contracts.

A

Q. Yes. But whatever happens the reality is you still have to report the error. You either have to put the money in there and then, whether it is a few hundred pounds or several thousand pounds, to make it square?

B

A. If it is a few hundred pounds and it is not the end of their TP, their trading period, they can make it good at the end of the trading period. We do not enforce, make them do it when we are there.

C

Q. But here we know that they had finished the trading period 9, which was the 14th January 08. Yes?

A. The previous when it should have been, but, yeah.

D

Q. We are starting a new period number 10, TP10?

A. Mmm mm.

E

Q. So when you turn up on 18th January 2008 you discover that you cannot do a snapshot of the current trading period?

A. That is correct.

Q. Because the former trading period which was TP9 is still outstanding?

F

A. That is correct, yeah.

Q. So you have got to conclude TP9 and when you have concluded TP9 you can then move on to TP10?

G

A. That is correct.

Q. And you would be hoping when you turned up on Monday 18th January 2008 that TP9 would have been done. Yes?

H

A. Mmm mm. It should have been completed the previous week.

A

Q. It would be just a question of you then doing your snapshot for TP10 and carrying out a physical audit check and seeing whether the computer, the Horizon computer system which has spilled out certain figures, stock, cash, currency and so on, tallies up?

B

A. That is correct.

Q. And if it does not and if there is a shortage, a discrepancy, it is for the postmaster or postmistress to make good?

C

A. Mmm mm.

Q. Or if they don't make it good there and then they can speak to Chesterfield and say "look, I have not got the money in the bank at the moment. Can you give me 28 days or something like that?"

D

A. Obviously it would depend on how much we are talking about.

Q. Sorry?

E

A. It depends on the figure we are talking about.

Q. That is right.

F

A. If it is a few hundred pounds we just don't report that because that is irrelevant and they just make it good at the end of the TP, but a few hundred thousand then it is a different ball game.

Q. Yes, but the reality is, put it this way, if there is several thousand missing it has to be made good?

G

A. At the end of the day it is their responsibility, yeah.

Q. They can either put the cash in the till there and then or by the end of the trading period. Yes?

H

A. If it is a few thousand, no, because then matters are taken out of my hand.

A Q. Then if they have not got the cash to make good there and then they can speak to head office at Chesterfield and say “can you give me some time?” Whatever the ramifications thereafter the debt is theirs and has to be squared away?

B A. Yeah.

Q. And as you said earlier on, that if they are permitted to continue trading they may be given time to settle up the discrepancy however many thousands of pounds it is?

C A. Depending on the outcome of the contract advisor.

Q. If there are large discrepancies they can either lose their contract?

A. Yeah.

D Q. They can make good and lose their contract?

A. That is correct.

Q. And they can no longer trade as a sub-postmaster?

E A. That is correct.

Q. This particular set of premises is a sub-post office at the back of a convenience store?

F A. Yeah.

Q. You yourself don't get involved with training in regard to Horizon. All you are is the auditor – I am not disparaging – but you go in on the day to see if everything financially marries up?

G A. We check, yeah, to make sure everything is fine, yeah.

Q. So you go along on Monday 14th January, isn't it?

H A. Yeah, the 14th.

Q. Your report if I notice it, because we can see on page 7 is dated 16th January, two days later. Do you have a copy of it there?

- A** A. Yeah. I have got it in front of me, page 7, yeah.
- A** Q. So what happened, your main concern is turning up, doing all the figures, doing the audit, doing all the balancing. It is not, as it were, making a statement of events there and then, is it?
- B** A. No. On the day it is just to verify to make sure everything is okay.
- B** Q. Yes. Then what has happened is two days later when you are drafting this report, 16th January, you are recollecting things which were said and done?
- C** A. What I would normally do in an audit is make notes of that audit and then take it off of there, so I would always have my notes during the day of the times I spoke to people, etc.
- D** Q. It has got times on this, because you are there for many hours. It is not a note of everything that is happening and going on, as it were. It is just a quick aide memoire to deal with the details of the audit check it has detailed?
- E** A. The report is the main aspect of our findings.
- E** Q. We know that you go to the post office. You are allowed in at 8.40 a.m. and you are allowed access into the sub-post office at the back of the convenience store?
- F** A. Yeah, that is correct.
- F** Q. The convenience store is being run by an assistant. You don't know. You take no interest in the convenience store. Your interest is the post office?
- G** A. Yeah.
- G** Q. To get into the post office is a secure area, isn't it?
- H** A. That is correct, yeah.
- H** Q. It has got screens around the front. It is a physical prevention from front and side, from floor to ceiling, from anybody just getting in from the public side?

- A** A. Yeah. There is always at least one secure door.
- Q. There is one secure door which is locked?
- A. Yeah.
- B** Q. That is inside the convenience store which has staff when it is open?
- A. Yeah, and that would be open before the post office opens.
- Q. When you got there it was locked and secure and had to be unlocked for you?
- C** A. Yeah, because we were – before the staff arrived we were already waiting for them.
- Q. So everything inside the sub-post office area was generally secure, was it not, behind a locked door and screens?
- D** A. It is behind a locked door, yeah, but not all of it was in the safe but ---
- Q. Once you get inside there are things laying around?
- A. Yeah.
- E** Q. There is no sub-postmistress there. You want to get on with your job presumably. You are not going to sit around on the off chance either the sub-postmaster or mistress does not appear. You want to do your job, so you phone NBSC for a one shot password. This is
- F** page 8 of your report, paragraph 4.
- A. Yeah.
- G** Q. What is NBSC?
- A. It is National Business Support Centre. It is where, it is like our helpline so if you have got any queries you go to them and then they can authorise you to go on to the system. We get a second phone call and it gives us special passwords into the system.
- H** Q. So NSBC is your support centre, your helpline at Chesterfield?
- A. Helpline. They are based in Sheffield I think.

A Q. In Sheffield, is it?
A. I think they are in Sheffield. I am not 100% sure.

B Q. But anyway you contacted NBSC?
A. Yeah.

Q. You are not sure where it is based?
A. I think in Sheffield, but they are up north somewhere.

C Q. Right. You obtain a one shot password and this basically is to allow you a password to enter into the Horizon system?
A. So I can get reports required.

D Q. So you can get the prints off the snapshot?
A. Mmm mm.

Q. And you can get into the safe and the tills as you wish as well?
A. Well, the safe and tills we would obviously need the relevant keys so that would

E be if the counter clerks have got the keys.

Q. What time were you provided with the keys?
A. I can't remember now to be honest. I can remember we done the three stocks that

F had been rolled over so they must have been either out of the safe or they were available but I can't recall what time the actual safe was opened up.

G Q. Because if we turn to page 9 we have a little grid in the middle of the page, the three stocks which were available. First of all, we have got AA, BB, CC, DD, OOH and SMI. Let us just go through these. If I were to put to you AA is the safe?
A. I would say probably the main safe area, yeah.

H Q. Because that has the bulk of the money. Yes?
A. That is correct, yeah.

- A** Q. If I put it to you that this post office had three tiers, three counters?
- A. Yes. It had three counters, yeah.
- Q. It had three cashiers who could serve members of the public, the public ---
- B** A. Any one time.
- Q. --- at any one time. Each till would be given a number, a designated number, which I would put you as BB, CC and DD?
- C** A. That is probably correct. I would need to check my working reports which ones we done but ---
- Q. You can do and come back if you want to correct anything.
- D** A. Yeah. I assume they are the ones that would have been involved when we got there.
- Q. Yes, and the tills themselves would be just drawers, would they not?
- E** A. They would just be counter drawers, yeah.
- Q. They are not like if you go into a supermarket and suddenly the cashier presses the final button and the till pops open. Effectively what happens you have to pull the drawer open?
- F** A. No. You have to pull the drawer open to you.
- Q. So it is not electronically operated. It has to be manually operated and you can just go in if you are allowed access, pull open any of the drawers of the three tills and check the contents?
- G** A. They may be locked. They have lockable keys.
- H** Q. But you think you actually carried out investigation for three stocks and three tills?
- A. Say again, sorry?

A

Q. I thought you said you carried out looking at the three stocks which would be BB, CC and DD?

B

A. We checked them but I can't remember where they were when we got there, remember closing the drawers or in the safe.

C

Q. You have got nothing there to tell us?

A. Hold on. Let us have a quick look at my report. You have got to remember this is three years ago nearly – or it may have been left out overnight, those three stocks.

D

Q. Yes. So they are in the till?

A. So they was in the cash drawers, yeah.

E

Q. So you go in. You have been allowed into the sub-post office area and you can pull the tills out for the three counters and the stock is still in it?

A. They are still in there, yeah, and they should be secured in the safe overnight.

F

Q. So again it should have been secured if this was running properly?

A. Yeah.

Q. What should have happened is the drawers should have been cleared?

A. Yeah. If they had a burglary overnight all that loss would have been the responsibility of the postmistress.

G

Q. Yes. It was not good management practice by the postmistress, was it?

A. No. That is one of the things that we would be doing when we are at the audit, compliance checking.

H

Q. So you go in. It is not only the stuff is left in the tills so anybody, a burglar could break in and steal the lot, they have also got a giro banking cheque for £1,240 which is lying on a counter and has not been processed?

A. That is in cash, yeah. That was on the top of the counter side.

A Q. When you are there on Monday 14th January it had not been entered on to the Horizon system?

A. No.

B Q. Presumably £1,240 had been paid out?

A. No. What it is is a giro deposit, so a business client has put the money in, so the money was sitting there with the deposit. It is not an actual pay-out. It is a pay-in.

C Q. A pay-in. So that money had been entered or not entered?

A. Not entered.

Q. A failing again by the postmistress or the cashier?

D A. You should not take a transaction unless you can actually enter it while the customer is there, so if they had come in late Saturday after half past twelve they should have said to them come back Monday morning with it.

E Q. But there should be appearing on the system £1240 and there is not?

A. Exactly, yeah.

F Q. All there is appearing on the system is £1240 and the giro has not been put into the safe?

A. No. It was checked by Mrs Misra and one of my colleagues and then was entered on to the system after Mrs Misra turned up, so it had not actually been put on the system at all.

G Q. So another sign clearly for your concerns of mis-management by the postmistress?

H A. It would have been a concern that that transaction had not been entered when it should have been.

A

Q. So you have managed to check the tills. You see that there are stamps left out on the counter but it is in a secure area. These are date stamps which you stamp driving licences?

B

A. Yeah, and they are very valuable.

MR HADRILL: They are valuable. So there are three of those – sorry?

C

JUDGE STEWART: Sorry to interrupt you, Mr Hadrill. Do you mean valuable literally in terms of how much it costs to buy them or what they represent?

A. If they got into the wrong hands somebody could do a lot of fraud, so buying about £100 but in terms of fraud thousands.

D

JUDGE STEWART: Yes.

MR HADRILL: So they are lying on the top of the counter which had been locked and secured until you had been allowed permission by ---

E

A. So they were secured but not fully secured.

Q. They were open to observation on the counter?

A. Mmm mm.

F

Q. Lax management?

A. It would have been an issue. If we had done the compliance questions it would have been an issue we would have raised and made her aware of.

G

Q. Anyway so the safe is locked and you have obviously got a few concerns from what you can see. Yes?

A. Possibly, yeah. We was obviously a little bit concerned with the cash and the stock being left out and the date stamps so it didn't get off to a good start.

H

Q. No. So we get your report. You get your snapshot, your one shot password to get a printout, and you want TP9 and TP10, the trading periods, to be concluded, don't you?

A

A. Yes. The office snapshot would have still have been in TP, trading period 9 and because we are in TP10 obviously that should have been completed so we got a true reflection of the whole branch.

B

Q. If we look at the trading period 9 which should have been finished which was not, finished on 9th January, yes?

A. The previous Wednesday the 9th, yeah.

C

Q. Although if we look at the printout at page 1 of our exhibit it shows that this was concluded at 1334 on 14th January 2008?

A. That is correct, yeah.

D

Q. But once the safe is opened inside will be two pouches which we see the contents are found at pages 5 and 6 of our bundle, effectively saying there is £13,000 in one bag, £14,000 in another bag and that would be, if we can see there, date stamped 9th January 09. Yes?

E

A. That should be 08. It may be just missing it off the date stamp.

Q. 08, sorry.

F

A. It is probably where the ink does not come out.

Q. That would be waiting in the safe for collection?

A. Yeah. That would be the correct procedure.

G

Q. Presumably collections were on a Wednesday or something like that?

A. I am not 100% sure of their collection day.

Q. You were not sure?

H

A. Not now. At the time I probably would, but I would not know what their collection day was now. It could have been a Monday. It could have been Tuesday.

A

Q. But the return invoice, basically what would happen is that on 9th January a pouch which is given a number or certainly number 5 is given a number and the post office through the Horizon system are told that “there will be a pouch coming to you which has £13,000 worth of cash in it.”

B

A. Yeah, that is correct.

C

Q. Then it is collected by your van and then it is taken to Chesterfield, the centre or whatever?

A. They post to a local rem unit in London I think.

D

Q. And they will open the bag. Inside will be the receipt we see on page 5 of £13,000 and there should be £13,000 in cash in the bag?

E

A. That is correct.

Q. They can check that against their Horizon system because the postmistress should have given notification that there will be a bag in her safe with a serial number identifying the bag which will have £13,000 when it arrives at the rem centre?

F

A. That is correct.

Q. So until the bag is collected the central post office will not know how much is actually in the bag?

G

A. No, but it is retained in their suspense account.

Q. So whilst it is in the safe it is expected that when it does arrive at the post office central rem unit it will have what the ---

H

A. The content safe.

Q. --- the £13,000 or £14,000 in it?

A. That is correct, yeah.

A

Q. The post office when the rem bag arrives would have expected that when it was filled with the information we have here on 9th January 08 it would remain untouched in the safe with either £13,000 or £14,000?

B

A. That is correct, yeah.

C

Q. Unless a physical check is made between 9th January and when it is received the following week in the rem centre it will not be known whether that is a true reflection of what is in the bag or not, we follow?

D

A. Until they receive it, yeah.

E

Q. So at any point up to the rem bag being collected by the post office rem unit the monies can be put in to make it up to £13,000, can they not? It may be in breach of the contract but that is the physical reality of it?

F

A. Yes and no. I mean, if you run up 13K the 13K should be there.

G

Q. I agree with you. It should be there, but if it is not you have got the opportunity to put the £13,000 up to the point when the bag with the seal number which has been declared as having £13,000, it is collected by the van from the rem centre?

H

A. The £13,000 should have been there in the first place because where was ---

Q. I am not disputing that.

A. Okay.

Q. But the £13,000 in reality can be put into the bag up until the moment the rem centre van arrives without the post office knowing?

A. They could do that if we didn't go and do an audit, yeah.

Q. What has happened is you have turned up on ---

A. The Monday.

A

Q. --- the Monday early before the rem van turns up, which would be Wednesday I would submit or something like that?

A. Yeah. It may be Monday, it may be Tuesday. I am not sure of their delivery day.

B

Q. And carried out the spot check?

A. Mmm mm.

C

Q. The safe is locked. You are waiting for the postmistress which is Mrs Misra to attend. I am looking at your report at page 8. We can see that you obviously had concerns with the stamps being out. There is this £1240 giro laying around which should not have been laying around. The monies, the stocks in the tills. You say you contacted your head office at 10.05 a.m. effectively to say that you had got concerns. Yes?

D

A. Yeah. That would be the context of (inaudible) language.

Q. And asking for assistance?

E

A. No. What we would do we would just report on our initial findings and then say we will let you know the result when we can get the proper trading period, so obviously there were concerns at that time but we didn't know the final result until we was into TP10.

F

Q. You were allowed in the secure area of the post office unsupervised. I am not saying anything was improper, any action you made, but there were obviously concerns and you were allowed in there?

G

A. Yeah. The husband of Mrs Misra kept on leaving us in there and I kept on saying to him "you have got to stay in the secure area at all times because there must be someone from your staff in here with us. You are not allowed to leave. It does not matter who is visiting your branch. You must not leave anyone unattended."

H

Q. But that was ignored?

A. A couple of times it was ignored, yeah.

A

Q. He just left you alone?

A. Yeah. It was not for long periods but it was ignored.

B

Q. At 10.45 we can see on page 8 of the penultimate, the second from last paragraph: “At approximately 10.45 the postmistress, Mrs Seema Misra arrived at the branch and she immediately asked if she could talk to me at the back of the branch”, and she immediately informed you that when you came to carry out your inspection of the safe and the various documentation there is going to be a shortfall of about 50,000 to £60,000?

C

A. That is correct, yes.

D

Q. So she is telling you that before you have checked and started concluding your TP9 trading period?

A. Before it has been rolled to TP10, yeah.

E

Q. The safe is then opened after she has told you and declared there is going to be a shortage of that quantity?

A. Yeah.

F

Q. So you then open the safe and start to carry out the checks and conclude TP9?

A. Which was done by Mrs Misra.

Q. But she told you and explained that the shortages happened over a year ago which would have been presumably during the course of 2006?

G

A. 2/6, 2/7, yeah.

Q. Bear in mind this is January.

A. So, yeah, probably the previous year from that, yeah.

H

Q. But she says over a year ago, so we are talking about ---

A. Yeah.

Q. --- she is asserting that the losses are occurring during the course of 2006?

A A. Mmm mm.

Q. She makes complaint about previous staff. Yes?

A. Not a complaint. She just said a member of staff or staff had taken up to £89,000 from the branch.

B Q. She told you in fact that there is £89,000 gone. Yes?

A. 89, approximately 89K, yeah.

C Q. That was back in 2006. There were shortages of up to £89,000?

A. Yes, that is correct.

Q. She was obviously worried that those sorts of losses would cause the Post Office to take away her contract, which is true, isn't it?

D A. I would expect that would have been the case, yes.

Q. In fact she was suspended and her contract was taken away from her because of this?

E A. I believe so. That is correct, yeah.

Q. She told you that she was trying to look at ways to make good the loss. She told you effectively that she had been – what has been said, “cooking the books”, actually giving false information to conceal the losses which had occurred in 2006?

F A. She had adjusted their books to make it balance each period.

Q. We then have her with your sitting and supervising, completes the trading period for TP9. That is up to 9th January, and that is concluded we can see on page 9 at 1.35 p.m. We know that it has been put that in fact TP9, the printout starts at page 1 of our exhibit bundle. 2, 3 and 4 is her signature, and we know this is at 1334 hours, 1.34?

H A. Yes, that is correct.

A

Q. It has been told to you and it says “I certify that the contents of the balancing trading statement is an accurate reflection of cash, stock on hand at the branch.” You know before she signs this that it is not going to be true, don’t you?

B

A. Because she has made me aware, yeah.

C

Q. She has told you at 10.35 or whatever it is that there is 50 to £60,000 short. So three hours pass by whilst TP9 is completed, and she has to because you request her to sign this declaration even though she knows it is not going to be right and you know it is not going to be right?

D

A. That is correct, yeah, but we have not done a full check by – I would assume it is not going to be correct from what she has already told me.

E

Q. But your rules and regulations are you have told her that she has got to sign it even though it is wrong?

F

A. I said to her complete that balance and then we would do the audit. I didn’t say to her what figures to put into the system.

G

Q. No, no, but you are asking her to sign it as being correct even though both of you know it is wrong?

H

A. But it is part of her contract that each trading period she signs it and that would have been the same the previous trading period, the previous one before that.

Q. You explained to her it is part of her contract. She has to sign it, so she complied with your request and signed it. Yes?

A. If I asked her she may have signed it of her own accord. I can’t remember. But it was signed.

Q. Then we can get on to TP9 because that is what you ---

A. TP10.

A

Q. TP10 rather, because count 1 rhymes(?) out the figure set out therein of £74,609.84 because you carried out your TP10 snapshot and this figure you say is there appearing must have been stolen?

B

A. I would not be able to say that.

Q. But that is the assertion. That is why we are here for a trial on count 1. The allegation is that she has stolen it.

C

A. If that is what you are saying, okay. I report the facts. I don't ---

Q. Yes. You cannot make any conclusions yourself. You just report the facts?

A. Exactly.

D

Q. Can I just ask you this and you can check it with your records later on. Initially when you were doing your TP10 it was thought that there was £79,000 adrift. Can you remember that?

E

A. Too long ago.

Q. Check it if you can for me.

A. I would have to look at all my papers.

F

Q. You look at all your papers. All right?

A. I will do, yeah.

G

Q. Initially it was being said by your audit team that it was £79,000 or thereabouts. I have just got round figures.

A. The round figure, that is fine, yeah.

H

Q. Then at the time of interview it was said to be £77,000 and the jury have the interview.

A. Right, yeah.

A

Q. And now we come down to the figure of £74,000. So even on the day and soon after ---

B

A. Well, it is 77 because we include the outstanding debt in Chesterfield as our result.

C

MR HADRILL: I had better come to that in a second because if I can ask you to look at some correspondence which may assist in clarifying. Can I ask you to look at that? Your Honour can have a copy as well. (handed to his Honour and witness)

D

JUDGE STEWART: Thank you.

MR HADRILL: It is a document from the Post Office and I hope that there will be copies for the jury in a second. It says that "Mrs Seema Misra, care of the West Byfleet post office, 14, Station Approach, West Byfleet, Surrey." This is 19th December 05. "Outstanding debt to be deducted from remuneration." The office is West Byfleet. Any objection if I hand the copy to the jury?

E

MR TATFORD: No.

MR HADRILL: (to the witness) This is a Post Office document?

F

A. It is a Post Office letter, yes, from Chesterfield.

Q. And if I said that there was an audit carried out in October which would just be a few months after she took over the post office in June, there was a shortfall of some £3,184?

G

A. That is I assume ---

Q. That is what this letter says.

A. That is fine, yeah.

H

MR HADRILL: If I can then perhaps hand six copies to the jury?

JUDGE STEWART: Yes. (handed to jury)

MR HADRILL: Were you on that audit?

- A** A. Pardon?
- Q. Were you on that audit?
- A. You are going to tell me if I was because I can't remember.
- B** Q. Check your papers, can you?
- A. I have not got those papers on me.
- Q. Mr Tatford who prosecutes tells me that you were actually there?
- C** A. I was not leading it though.
- Q. Sorry?
- A. I was probably assisting.
- D** Q. Thank you. So what happens is that "we now intend to authorise deduction from the remuneration of £3,184.53." This is what is called "settling centrally?" Yes?
- A. That is correct, yes.
- E** Q. If there are errors that appear when you carry out the audit it either has to be made up immediately or you can, as it were, settle centrally with Chesterfield?
- A. Yes.
- F** Q. And if you don't do either you are in breach of your contract and you lose your post office? That is the reality of the situation, isn't it?
- A. Yeah. I mean, you can still lose it and you settle it, but, yeah. That is the main aspect.
- G** Q. So an audit is carried out at the beginning of October. It shows that there are shortages of £3,184.53 and she does not have the cash by the looks of it and said "can I settle centrally?" and so the opportunity is given?
- H** A. This would be in agreement with the contract advisor. They would not be anything to do with us.

A

Q. No, no. So basically £3,183 will be deducted in one instalment followed by one instalment of 200 on the 11th. That is how it is settled anyway. Yes?

A. Yes. Over a twelve month period that would be all cleared.

B

Q. So that, as it were, squares the books in October or appears that she squared the books for October 05?

A. I would say if that was paid that would have been, yeah, clear.

C

Q. Then there is another audit in the summer of 2007. If I can read it? I have only got one copy. The original is here. If I can ask you just to read it out? (handed) It is the same post office address. It is dated 10th May 07. The branch is Byfleet. Perhaps you can read out the contents of it?

D

A. Right, okay. It is addressed to Mrs Misra and it says “we have previously written to you regarding debt that has been settled centrally and needs to be deducted from your remuneration. A further debt has been added to this amount and so it has now become necessary to revise your original repayments. Your future repayments will be as follows commencing April 07 – one instalment of £2,000 followed by a further eight instalments of £2,000 per month.”

E

F

MR HADRILL: So that is one instalment initially plus eight, so we are up to 18 ---

JUDGE STEWART: He was in the middle of reading it and you started talking over him.

MR HADRILL: Sorry.

G

JUDGE STEWART: So would you like to let the witness finish?

MR HADRILL: I am sorry. Start again.

H

JUDGE STEWART: Pause everybody. (to the witness) Start again, please, and read it through to the end.

A

A. Okay. "We have previously written to you regarding debt that has been settled centrally and is to be deducted from your remuneration. Further debt has been added to this amount and so it has now become necessary to revise your original repayments. Your future repayments will be as follows commencing April 07 – one instalment of £2,000 followed by a further eight instalments of £2,000 per month, then a one off instalment of £1,034.03 in February 2008" and that letter is from Chesterfield, our head office in Chesterfield.

B

C

MR HADRILL: Yes. So that is £19,000, isn't it?

A. So it is 16, 18 – yeah, £19,034.

D

Q. If we can just take then when you phoned Chesterfield on January 14th 08 you have told us that there was still outstanding a centrally agreed discrepancy or deficiency of £3,034.03?

A. And that would tie up with this letter then.

E

Q. That ties up with the letter, does it not?

A. Yeah.

Q. So we have got nine instalments of £2,000 and a last instalment of £1,034.03. Yes?

F

A. That is correct, yeah.

Q. So that figure that you have got from Chesterfield ties up with that letter, shows there is one £2,000 outstanding and a final one of £1,034.03?

G

A. Yeah. I totally agree.

MR HADRILL: Thank you. Perhaps I can have the letter back for the moment?

H

A. Do you want them both back?

JUDGE STEWART: What is the date on it?

MR HADRILL: Can we have the date on it?

A JUDGE STEWART: 10th May 2007. Thank you very much.

MR HADRILL: I don't know the date of the audit but hopefully some information can be provided by the Post Office? Would it be in your records?

B A. Regarding?

Q. Did you attend that audit?

A. Which audit are we talking about?

C Q. Whatever this letter relates to on 10th May 2007.

A. I would not know. Was I in attendance? I don't know.

Q. I don't know. I was not there.

D A. I don't know. I would have to check. Are we aware that was an audit though? It is not just a transaction correction?

Q. I don't know. Perhaps you can assist. So she is then whilst you are there suspended and a relief manager who we heard from yesterday is brought in. Yes?

E A. Yeah, that is correct.

Q. Just briefly this. I think if we look at page 9 and the grid AA, BB, CC and DD, I put to you in fact what those four stocks relate to. If I were to suggest that OOH was the

F Lottery stock?

A. Out of hours Lottery, yeah.

G Q. That sounds right, does it?

A. Out of hours, yeah.

Q. And SMI is obviously Misra. Yes?

H A. I am assuming so but it is different to the other ones.

A

Q. Then you carry on with the audit and really that is as much as you can assist or involve in regard to this investigation because you are the auditor. Can I just ask you this? You put in your report that the currency pouch was not there?

B

A. The £3,000 one, yeah, that was not there. There was nothing, yeah.

Q. Can I say it was there but it didn't have the monies which were meant to be in it?

A. I don't even recall seeing the pouch.

C

Q. If I suggest to you in fact that Mrs Misra said that she had sent money, currency back to central, I mean to Chesterfield?

A. To, yeah, the local rem unit, yeah.

D

Q. And it was still outstanding in regard to, as it were, squaring the balance on that, and she told you that there was a currency pouch but it just didn't have the money which was meant to be in it appearing on the Horizon system?

E

A. So when it gets sent it should be – it would be in suspense, so as far as we are concerned there was no pouch and it would be scanned out of the system once it has gone out.

F

Q. So as far as you are concerned, I am just saying that she said she had sent it. You said there was no pouch, no scan, therefore it is down to her?

G

A. We would check to see if there is anything that has been received and there would have been no currency. I don't know when it was sent, and there was no record from any information like a little slip they would keep.

H

Q. That is the only point of dispute I have with you, if you have got a factual point as to what happened in her presence with your evidence.

A. Okay.

A

Q. I put in fact there was a pouch. It didn't have the money which the Horizon system said it should have, and she explained that monies were being sent back to ---

A. I never saw a pouch.

B

Q. All right. Then that concluded your matters at 6.45 when we see that you concluded TP9 and that is the figures we have for the purposes of count 1.

A. That is correct, yeah.

C

Q. I have asked you about the letter of May 07 and you cannot assist, but perhaps you can make some enquiries as to how that deficiency arose, can you? Thank you. In fact I have been told that there are two doors to get into the secure area of the post office, the shop and the post office itself?

D

A. (inaudible)

Q. Can I ask, what is the local rem unit?

E

A. The remittance unit is where they send your cash and receive your cash to the branch. West Byfleet is probably Etna House.

F

Q. Sorry?

A. Is probably Etna House in east London I suspect.

Q. What is "The House?"

A. Etna House. It is the cash centre, the name of the cash centre.

G

Q. Right. So you have ---

A. They all have their own names like Birmingham they have got Medway House and Hemel(?) have got Crusader House.

H

Q. So it is called "The House", is it?

A. Etna, E-T-N-A and that is the one I would assume West Byfleet would get their money from.

- A** Q. Do you know whether that operates on the Horizon system or not?
- A. It does, yeah.
- Q. Etna House, is that a collation centre or what?
- B** A. What do you mean collation?
- Q. It just collects together?
- A. Yeah. All the cash and stock for offices gets sent or distributed from there or the stock gets distributed from (inaudible)
- C** Q. It is counted? It is a counting house, in other words?
- A. A counting house, yeah.
- Q. So monies come in?
- D** A. Money comes in and they check it and money goes out and they check it and send it out to the offices.
- Q. Then they communicate, do they, with head office in Chesterfield?
- E** A. With the system, when you scan out the system and scan the pouch it automatically scans in the amounts in, so if you put in £20,000 and scan it in that automatically goes on to your, into your cash.
- F** Q. So a sub-postmaster having put in information that bag number ABC had £14,000?
- A. And when it is received at the cash centre they would check it and ---
- G** Q. Either tick or cross, say?
- A. Yeah, and check 14K is in there and if there is, say, £10 short they would let the office know or £10 surplus they would say the bag was out by £10.
- H** Q. As an error notice?
- A. An error, transaction, correction error, yeah.

MR HADRILL: Thank you.

A

Re-examined by MR TATFORD:

Q. Can I just ask you about a couple of matters, please? It was pointed out to you and you agreed that the stocks that you were able to check should not have been left out overnight?

B

A. That is correct, yeah.

Q. Was that something particularly unusual for you? Was it something you had come across in other branches?

C

A. Occasionally, I would not say a lot of times, but sometimes we do come across and there are stocks left out, but it is not a common occurrence.

D

Q. It is certainly not what should happen?

A. No. They are aware the process is every valuable item goes in the safe.

Q. Could I just ask also about the giro payment that had not been put into the system?

E

A. The 1240, yeah.

Q. Yes. You talk about it on page 9 of your report. Do you remember what the payment was? Was it a cheque? Was it a bundle of cash?

F

A. It would have been cash.

Q. The action was checked. Does that mean counted out in money?

G

A. Counted (inaudible)

Q. I see. Do you remember where the money was then when you arrived?

A. I remember it on the counter on this side above the safe.

H

Q. On the side above the safe?

A

A. Yeah. There is like another like counter position, not the counter position, a bit like a counter top.

B

Q. Yes. Just finally, what is your recollection about the other currency amount, the £3,930.07? Did you ask Mrs Misra about that?

C

A. I did and she could not explain anything regarding that pouch. I just don't know. There was no pouch. There was money sitting in the suspense account and we obviously could not verify it because it was not to be seen.

D

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

JUDGE STEWART: Going back, I am sorry to go on about this. It may not be the most important thing in the case, but this £1240?

E

A. The giro, yeah.

F

Q. The giro. You say "giro." That means to be credited to the Post Office Girobank, is it, or what?

G

A. No. What it is, you are a company who pays in your money through the Post Office so they will deposit it. We send out a slip and then that goes on to their account through the National Girobank which is Alliance and Leicester now or Santander. I think it has changed.

H

Q. Yes. So if a business customer comes in with £1240 to pay in does he have a paying in slip or a paying in book?

A. It has all changed now, but probably in those days which is a few years ago they would have a paying in book. You would have one slip that you would keep in the book and one slip that you would send away to Girobank and you just stamp, stamp, that is their receipt, and check the money and tick it off and then put it through the system.

Q. So, so far as the customer is concerned, stamp, stamp and away you go?

A

A. Yeah. I mean, I don't know who the customer was, whether that was the normal practice they lead. I don't know.

B

Q. Yes. Then the cashier, am I right, has to make an entry, key in something on his terminal?

A. Yeah, £1240, put it through the system because obviously ---

Q. Put it through the system and put the money into the stock for that till?

C

A. Yes, because that would increase their cash. If they don't put it through the system they are going to have a £1240 surplus.

D

Q. Yes. So it appears that some cashier or other on the preceding Saturday you told us took the money in, stamped the book probably?

A. But didn't put it through the – I don't think they stamped anything if my memory serves me right. I think they just took the money and then left it on the side.

E

Q. I see. So how did the customer get a record of the payment?

A. I am assuming they must have come back or they would have come back.

Q. I see.

F

A. Maybe it is a regular occurrence. I don't know, but it is not the correct process.

Q. So the cash just staying in the post office for safe keeping over the weekend?

G

A. Possibly, yeah, but it should have been put away. If that is the case they should have put it in the safe overnight and then put it through the system Monday morning.

JUDGE STEWART: I see. Thank you.

H

MR TATFORD: So dealing with that if I may a little more, you have got £1240 cash coming in. Because the transaction had not gone through Horizon, Horizon would have no knowledge of that money being received?

A

A. No knowledge at all, no, and that would obviously affect the company's being credited to that account until it was sent off because the National Girobank or the Alliance and Leicester would not know what has been paid in until they received the document.

B

JUDGE STEWART: Right. Thank you very much, Mr Noverre.

MR TATFORD: Yes. Thank you.

JUDGE STEWART: Subject to answering that query that is ---

C

MR TATFORD: Yes, of course. Thank you.

A. Okay.

JUDGE STEWART: Subject to that, that is it. Thank you very much for coming.

D

A. Okay.

(witness withdrew)

MR TATFORD: Can I call Adrian Morris now, please?

E

JUDGE STEWART: Thank you.

ADRIAN MORRIS Sworn
Examined by MR TATFORD:

F

Q. Your full name, please?

A. Adrian Morris.

Q. Mr Morris, will you give your evidence nice and loud, please? The jury are a long way away, and at a slow pace so we can keep up with our note taking.

G

A. Yes.

Q. You have been employed by Royal Mail for approximately twelve years. Is that right?

H

A. The Royal Mail, 21 years.

Q. I am so sorry, 21 years. My fault. I was unable to read the first line. For how long have you been involved in carrying out investigations for the Royal Mail?

- A** A. For about the last seven years now.
- A** Q. So you worked for Royal Mail initially in a non-investigatory capacity and you have been an investigator for some seven years?
- B** A. Yes.
- B** Q. Thank you. Royal Mail investigators, have they generally usually worked within Royal Mail before becoming investigators?
- C** A. I think it is a Royal Mail policy they tend to bring people through but there are ex-police officers that have worked for the business as well.
- C** Q. Right. I suppose one potential advantage for somebody who has worked in the business is that they know about the business before becoming an investigator?
- D** A. Yeah, yeah.
- D** Q. So you arrived I think at West Byfleet sub-office on 14th January 2008 at about ten minutes past two in the afternoon?
- E** A. Yes.
- E** Q. When you arrived there were some Post Office auditors present already?
- F** A. That is correct, yes.
- F** Q. Including Mr Noverre who you probably just saw coming out of court a moment ago?
- G** A. That is right, yeah.
- G** Q. You were informed by Mr Noverre as to what the post-mistress, Mrs Misra had told him ---
- H** A. Yes. I believe I was, yes.
- H** Q. --- about there being a substantial deficiency?
- H** A. Yeah.

A

Q. Mrs Misra in fact gave you two handwritten documents. Is that right?

A. Yeah. She gave them to Mr Noverre and then they were passed on to me.

B

Q. Could you have a look at our jury bundle, please? (handed) Have a look at pages 13 to 15.

A. Okay, yes.

C

Q. Are those photocopies of the two written reports that were passed from Mrs Misra via Mr Noverre to you?

A. Yes, they were.

D

Q. Can I pass up the originals, please, first of all the document we see on page 13 to 14? (handed) Is that the original of 13 to 14?

A. Yes, it was. It is, sorry.

E

MR TATFORD: Your Honour, if that could be exhibit 5, please? Could you just hold up the document for us? We have got it on two pages. Is it written on both sides?

A. Yeah.

F

Q. Can I also pass up the original for our page 15? (handed) Is that the original?

A. It is, yes.

G

Q. So exhibit 6, please, for that document. What I am going to ask you to do if you may, perhaps using the original because it may be clearer too, if you just taking it slowly read out what the two documents say? First of all, on page 13 to 14. Perhaps if you could be shown the original to help you? (handed) If you could read it out, please?

H

A. Okay. "I confirm in office audit there will be around 60K shortage due to staff theft. It was around 89K and we bring it down to 60 and I want to make an arrangement to clear the balance. I would appreciate if I can have a chance to clear the shortage. I made up

A two, brackets, two cash pouches as we were borrowing some money from friends and family to fill the rem bags up.”

B Q. Just pausing there, did you understand from Mr Noverre that he had been shown two cash pouches that were empty?

A. Yes. I am aware of those, yes.

C Q. Thank you. If you would move on to the next paragraph and read that out, please?

D A. “This loss is being carried forward since over a year, over last year. We put money in to make it right. Shortage. We took over the staff from previous owner for about one to one and a half. They were running the post office with us as we thought they would, they run it for so many years they ought to be better than us, but after a while when we learned more and more we noticed that things weren’t right. I think we noticed there were 4,000 euros missing. (2) Money transferred to AA was shorter than actual money transferred over. Lottery money was being taken from shop but never entered on Horizon.”

E Q. We are missing that from our copy, the way it has been copied, but it should read, the top line “but never entered on Horizon?”

F A. Yeah. “Shop but never entered on Horizon.”

MR TATFORD: And the second line if you can read it?

G A. Okay. “Even on the shop side was low as well, so we got rid of them. They refused to pay and we kept quiet. We do not want to lose the PO. After that as well as we relied, relieved?”

JUDGE STEWART: “Received?”

H MR TATFORD: “Received” I think. Would that be right?

A

A. "Received – as well as that we received Lotto error notice when we cleared. Once again I want to clear all the losses and I promise I will clear everything and will not disappoint you" and then that is signed Seema Misra, 14th January 2007 at 2.25.

B

Q. Yes. Then turning over to our next page, page 15, again as we have found it may be just a little easier to read the writing using the original. We have different forms of writing. They are block capitals on the first two pages and now ordinary handwriting on page 15. Whose handwriting was it on these documents as you understood it?

C

A. They are not mine.

Q. Was it explained to you whose handwriting it was?

D

A. I was given the understanding the postmaster had written them out, so I presume Seema.

Q. So you assumed that both notes were written by Seema Misra?

E

A. Yeah.

Q. Thank you. So could you just read out from the original of our page 15, please?

F

A. Okay. "We have around £2,000 short in the stock unit due to staff theft. It was more than what we have now. We did put some money in this stock unit to make it good. This is what we left out £2,000 which we need to put this money in taken out by Sarah."

Q. Can we perhaps just read this again? Is it not "this is what is left over?"

G

A. It is not as clear, this one. "This is what is left ---" and is it "over" or "owed" - "--- £2,000 which we need to put this money ---"

Q. "Is taken ---"

H

A. "--- is taken by" I would say that is "Sarah" but I don't know.

Q. Yes, and the document again signed and dated 13th January 2008. We can actually see going back to page 14 that is a document that is dated 14th January 2007. Yes?

- A** A. Yes.
- Q. Having been informed by Mr Noverre as to what had been found on audit, did you caution Mrs Misra?
- B** A. Yes. She was cautioned.
- Q. And did you give her some forms that we have printed out, page 16 following?
- A. Yes. They are Post Office forms. One would be the legal rights form. It is either CS001 or GS001, and the other form being a Post Office forensic interview form.
- C** Q. So the form on page 16, "this document explains your legal rights", and it is a document that Mrs Misra has signed. Is that right?
- A. That is correct, yes.
- D** Q. Essentially it sets out her legal rights. At the top in bold type is the caution. Is that right?
- A. That is correct, yes.
- E** Q. So the caution is "you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence" and there is a question "do you understand?" Did you actually say that caution to her or did you just give her this piece of paper?
- F**
- G** A. No. I would have said the caution to her.
- Q. So she both hears it from you and this document is handed over, and you informed her that she was not under arrest?
- H** A. That is correct.
- Q. You don't have the power to arrest somebody as a Post Office investigator. Is that right?

- A** A. That is correct, no power of arrest.
- Q. What you wanted to do was having cautioned Mrs Misra, you wanted to interview her?
- B** A. Invite her to a voluntary interview, yes.
- Q. In fact in due course you interviewed her that day at a room just above the shop. Is that right?
- C** A. That is correct, yes.
- Q. But this document sets out her rights as to interview. Is that right?
- A. It does, yes.
- D** Q. So under paragraph 2, “you are free to leave if you wish” because she is not under arrest. Yes?
- A. Yes.
- E** Q. “If you do remain you have the right to legal representation and advice” and (4), “you are entitled to read the Police and Criminal Evidence 1984 Codes of Practice if you wish.” Those are codes of practice for police officers?
- F** A. They are, but our interviews are conducted under PACE.
- MR TATFORD: So you follow the procedures as well that the police follow in relation to interviews where they are concerned?
- G** A. Yes, and we carry that book with us which is available at any time.
- JUDGE STEWART: You said “PACE” just then. What is that?
- A. The Police and Criminal Evidence Act.
- H** MR TATFORD: Again this document, did you explain all these rights to Mrs Misra or did you just hand the piece of paper to her?
- A. No. I always explain the forms to – if I am filling these out with people.

A

Q. We can see from the form that she confirms first of all that she has read paragraphs 1 to 4, secondly, that she understands them and she has signed the area where it says "I do not want to speak to a solicitor at this time." Yes?

B

A. That is correct, yes.

Q. She signs that she explains that if she changes her mind about a solicitor she is perfectly free to do so?

C

A. That is correct, yes.

Q. Over the page, if we perhaps go a few further pages back in the bundle, page 20, we can see that Mrs Misra was interviewed on 14th January from 1725 onwards?

D

A. Yes.

Q. Moving onwards to page 26 in that bundle, we can see that there was a break in the interview. It had previously been terminated at 1807. Then it started up again at 1815. Is that right?

E

A. That is correct, yeah. We had 45 minute tapes so we would have been changing the tapes over.

F

Q. Yes. If we go backwards in the bundle to page 17, the purpose of this piece of paper is what, please?

A. This is the rear of the page 16.

G

Q. I see.

A. So although I initially cautioned and went through this form at 1440, when on tape, as it says there, we would have showed the form again. We would have re-cautioned, reminded them of their legal rights.

H

MR TATFORD: Can I pass up now the original of those two pages? (handed) It is a single piece of paper. Can you just show the jury both sides? So we have it printed in the jury

A

bundle on two pages but it is in fact one piece of paper. Your Honour, could that be exhibit 7, please?

JUDGE STEWART: Yes.

B

MR TATFORD: (to the witness) You have explained that the interview took place at the premises in a room above the shop?

A. That is correct.

C

Q. But can I just deal with a couple of other things that happened before the interview took place? I think you cautioned Mrs Misra and explained this piece of paper, our exhibit 6, pages 16 to 17. That was about 2.28 p.m. Is that right?

A. Yes.

D

Q. In fact the form itself is timed at 1440 at the bottom of page 16.

A. Okay then. It may have been a case of where I have explained the caution and set out the form and explained the form in full detail, so by the time Seema Misra signed it it is some twelve minutes later.

E

Q. Yes. We have actually got the start time at the top, date 14th January, start time 1428.

F

A. That is correct.

Q. And then it appears finish time for that piece of paper 1440?

A. That is correct.

G

Q. So that is an indication, is it, as to how long it takes to explain all this?

A. Yes.

H

MR TATFORD: Thank you.

JUDGE STEWART: Does anything turn on these times?

A

MR TATFORD: No. I don't think so. I will deal with it quickly. I am sorry. I will try and press on. (to the witness) I think is it right that at 1519 Mrs Misra gave you £475 from the office takings as a small payment towards the deficiency?

B

A. Yes. After we had – I had done the caution she explained that the shop takings needed to be banked, so I said given the deficiency that had been found would she be prepared to give any money back to Post Office Ltd and when she had done, counted it, she gave me, yeah, I think it was 400 and ---

C

Q. £475?

A. That is correct, yes.

D

Q. Has any further money come from Mrs Misra to repay the amount owing?

A. No. I believe, no.

E

Q. I think prior to the interview as well there was a voluntary search of the home address of Mr and Mrs Misra, 17(a), Station Approach?

A. That is correct. Yes, there was.

Q. And nothing of any consequence was found?

F

A. No.

Q. I will not seek to exhibit the originals of these, but Mrs Misra consented to the search and the document in relation to that consent is page 18 in the jury bundle and a record was kept of the search, page 19 in the bundle. Is that right?

G

A. Yeah, that is correct, and her husband witnessed the search as well.

Q. Thank you. So let us now press on with the interview. Could we start on page 20, please? The interview was tape recorded?

H

A. Yes.

Q. And this is an agreed summary of the recording?

A. It is, yes.

Q. We can see the times as it began. Could you read out, please, the interview, and just for the sake of variety, with your Honour's permission, what I propose to do is I will read out the responses of the defendant so it is not just one voice. Could you start the interview, please?

A. Okay. "Normal introductions including voice identification, caution and legal rights, no objection to tape recording, form GS001 previously completed, explained and signed at 1727. No solicitor required at this time. Form GS003 signed at 1729 and no Post Office friend required. I explained the circumstances leading up to the interview whereby an audit was conducted at West Byfleet post office today and currently there is a deficiency in the accounts of around £79,000. Investigators arrived around 1400 hours and Mrs Misra was requested to bank shop takings and hand over £475 to offset the debt that was owed. A receipt, GS025 was given. Mr and Mrs Misra agreed that a search of the home premises, 17(a), Station Approach could be undertaken and no items were seized. Arrival back at the post office. Bank disclosure forms were signed. Notebook entries were made which she signed throughout the day."

Q. What are bank disclosure forms, please?

A. Bank disclosure forms are if following an interview we deem it necessary to ask the bank for statements to look into someone's accounts, if we can get the disclosure form signed by the account holder then we can give that to the bank and the permission is already there.

Q. So on the top of page 21, "SM" standing for Seema Misra. Yes?

A. Yes.

A

Q. "Seema Misra confirmed that no direct questions regarding the enquiry had been put to her." There were no questions about your investigation outside the context of this taped interview. Is that right?

B

A. Yeah. Again it is protocol to always ask has any questions been asked prior to the interview by myself or any of my colleagues.

Q. Then if you can pick it up at tape counter time 8.18, please?

C

A. Okay. "Explained that SM was completing a note on investigators' arrival and asks to read."

Q. This is one of the notes that was passed over to you?

D

A. That is correct.

Q. It is not all picked up by the tape as we can see, but Mrs Misra read out the note, did she?

E

A. She did, yes.

F

Q. And the words that are audible on the tape are set out there at 8.36. Indeed you asked her to slow down. Then I will pick it up at 8.43. Mrs Misra's words: "We did try and 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 chance to clear the shortage. I made up two cash pouches as we were borrowing some money from friends and family to fill those rem bags up. That is why I want to speak to friends and family. This loss in branch has been carried forward for over a year. Over the last year we have put money in to make it right, shortage. We took over the staff from the previous owner and for about a year and a half they were running the post office with us as we thought they run it for many years and they ought to know better than us, but after a while when we learned more and more we noticed that things weren't right like there were 4,000 euro missing. Money transferred to the ATM was actually shorter than

H

A

the actual money transferred over. Lottery money was taken from the shop and never entered on Horizon. Even on the shop side the till were low. They refuses to pay and we kept quiet and we don't want to lose the post office. After that as well we ---" – there is an inaudible – "--- which we have cleared. Once again I want to clear all the losses and I promise it will clear everything and we will not disappoint you." So that concludes her reading out of the longer note that we have looked at already?

B

C

A. That is correct.

Q. Then if you could pick it up at the bottom of the page, please?

D

A. Okay. "Discussion regarding staff who took money where SM says they were not sacked but left. One person owed 300 to 4,000 losses from the till. Others had left the country."

E

Q. Mrs Misra says that "one left in February 2006." She points out that she had taken over the shop in June 2005. "Three of the staff were family members. Others left at the end of 2006. One lady worked only in the shop."

F

A. I asked "how much was missing at the end of 2006 when the staff left?"

Q. Mrs Misra says "it was around 89,000 to £90,000."

G

A. "Explains that husband informed him that the police had been notified of the losses but the police were only made aware of £1,000."

Q. So in fact that has been put down as "AM" but in fact that must be Mrs Misra saying that. Would that be right?

H

A. I think it may be the way that that has been written. I think the husband may have told me that.

A

Q. I am so sorry, my misunderstanding. So you think Mrs Misra's husband had told you the police had been notified of the losses but the police were only made aware of the £1,000?

B

A. Only just reading that now that is how it looks.

Q. I see. Thank you. Then Seema Misra, she goes on to say she found the difference later and they were expecting some repayment.

C

A. "Confirmed that around November or December 2006 there was a shortage in the accounts of 89,000. Recaps that the staff were sacked or resigned or left the country and since November only SM and her husband work in the post office assisted by Malina and Ali."

D

Q. "Mrs Misra confirms that since 2006 they received further transaction corrections relating to them, no further large unexplained discrepancies. She confirms she completes the balance paperwork and there are six stock units. The staff declare the stamps and cash in the tills" and she went on to say that when they took over there were combined tills and because they could not identify who was having losses they changed the system to individual units, and then there was a discussion, was there not, on the way the cash is declared. What does it mean by "the cash figures are given to Seema Misra", please?

E

F

A. When the clerks will declare the cash at the end of the day normally they would put it into the Horizon system which is the post office computer system. The clerks would normally put it into the system themselves. Seeing that, the cash figures are given to Seema Misra to put in on their behalf.

G

H

Q. So do I have this correctly, Mrs Misra was saying that the cash figures by other members of staff were given to Mrs Misra and then she would enter them on the system?

A. That is how it looked, yes.

A

Q. Thank you. “Mrs Misra explained they were trying to pay back some money each week to reduce the shortage, so she also received a 20,000 Lottery error for which she was paying 2,000 a week back into the till.” Then you recapped and you explained that you had been told by her that she inputs the cash figures from the tills and you asked her how the rest of the cash is completed and Mrs Misra said this: “Just make it up like how much it should be and then try to balance and I can’t ---” – and would you pick up your direct words, please?

B

C

A. “So how do you find out how much should be there?”

D

Q. “The snapshot, when we do the office snapshot for the, says how much it should be.”

E

A. “You rolled over the counter stocks, do an office snapshot and it says there should be this amount of money in the office and you put that there is that amount although in reality there isn’t that amount there.”

F

Q. “Okay, and JL ---” – that is Jon Longman who was another investigator in the interview with you. Is that right?

A. Yes, that is correct.

G

Q. If you would read out his question as well?

A. “Asked when the £89,000 occurred was there a shared stock?” and SM says that “all the people did the balance and SM didn’t check anything. Shows branch trading statement dated 14th November to 15th December 2007.”

H

Q. Yes. Just pausing there, you obtained some other monthly trading statements in relation to West Byfleet. Is that right?

A. That is correct. That is accounting documentation that is ---

Q. Where did you get them from?

A

A. It would have been in the post office secure area.

Q. Yes. When the office balance is completed the branch trading statements signed by the sub-postmistress has then to be kept on the premises. Is that right?

B

A. That is correct, yes.

Q. So you retrieved three branch trading statements. Is that right?

A. Whether there was more or not, but I think there is three that have been ---

C

Q. I think three were referred to in the interview at least?

A. That is right, yes.

Q. I think we can see those in our jury bundle first of all at pages 28 to 31 and then at pages 32 to 35 and then at pages 36 to 39. Is that right?

D

A. Yes, that is correct.

Q. Can I pass up the originals of those, please? (handed) Could you just check those are the originals, please?

E

A. Yes, they are.

MR TATFORD: Thank you. Your Honour, could our page 28 to 31, the branch trading account for November, if that could be exhibit 8, please? Then 32 to 35, the original exhibit 9, and 36 to 39, exhibit 10, please.

F

JUDGE STEWART: So the dates, can you just read them out again?

MR TATFORD: I am so sorry. Exhibit 8, pages 28 to 31, the branch trading account for 15th November 2006 to 14th December 2006. Then exhibit 9, pages 32 to 35 in the bundle, the branch trading account for 16th May to 16th June, and finally exhibit ---

G

JUDGE STEWART: Of which year?

H

MR TATFORD: I am so sorry, 2007. Thank you. Finally, exhibit 10, the branch trading account for the period 14th November 2007 to 15th December 2007.

JUDGE STEWART: That is legible, page 36?

A

MR TATFORD: Yes. I am sorry. As I say, the copies are rather poor. (to the witness) The originals, I will ask the usher to hand them back to you when the labelling has been

B

completed. But going back to the interview, at 2615, halfway down, you showed her in the interview her branch trading statement dated 14th November to 15th December 2007?

A. Yes, that is correct.

C

Q. She confirmed that that was the last completed branch trading statement apart from the one that the auditors asked her to complete. Is that right?

A. Yes.

D

Q. She went on to say this: "The figures in the cash pouches and the cash on hand carried forward was incorrect. Currency carried forward awaiting collection 60,930", and your question, please?

A. "Was that money there?"

E

Q. Answer: "Not at that time."

A. "Why did you do it?"

F

Q. "So it looks all right." If we can perhaps now find the documentation in the jury bundle so we can just check what you were referring to, pages 36 to 39, it may help just to keep one finger at page 23 so we can cross-refer. So looking at page 36, in fact it may be possible to pull the top trading figure outwards so one can read it on top of the interview perhaps in this way. So we have dates of the branch trading statement 14th November 2007 to 15th December, and from the interview "currency carried forward awaiting collection was £60,930." That is in the fourth rectangle segment downwards. Is that right?

G

A. Yes.

H

Q. Where it says "all currencies awaiting collection carried forward, £60,930?"

A

A. That is correct, yes.

B

C

Q. You asked her a question about that: “Was that money there?” She said “not at that time.” Then going back to our interview, you showed her the branch trading statement for 16th May to 16th June. If we turn to pages 32 following – in fact page 32 itself and again hopefully with a little bit of wrenching of the paper it is possible to read the page of the branch trading statement above the page of the interview. You showed her that branch trading statement and it was confirmed that the figure for currency awaiting collection was £40,447.40 and we can just see that on our photocopy in the fourth block down. Is that right?

D

A. Yes, you can.

E

Q. It is rather difficult to see in the photocopy, but can you just make it out, “all currencies awaiting collection carried forward, 40,477.40?”

F

A. Yeah. I think there is an error in the interview. I have referred to it as 40,447 but on there it is 40,477.

Q. Thank you very much. There is a typing error in that summary. It should be 40,477. Thank you. I don't know if you have the original now to hand of this branch trading statement? Is it any clearer there?

G

A. It is, yes.

Q. Could you just confirm the figure then?

A. 40,477.40.

H

Q. Thank you. Could you just hold it up in front of you? It is very faint print on the original. Is that right?

A. It is very faint, yes.

A

Q. Yes, and that branch trading statement would have been printed off using a printer at the West Byfleet post office?

A. Yes, at the office, yes.

B

Q. In relation to this page and on page 32 in the bundle in the interview, going back to the top of page 23, three lines from the bottom: “Cash on hand of 35,751.65 again. Was that there?” and she answered “false figure. That figure of 35,751 is just one row above the 40,000 figure we were just looking at a moment ago.” Is that right?

C

A. That is correct, one row above and to the left, yes – oh, and above it as well there, yes, it is.

D

Q. Yes. So cash on hand carried forward 35,751.65. Then if you could pick up the interview again, please, at page 23?

E

A. “I showed branch trading statement for 16th May to 16th June 2007. Confirms that the figure for currency awaiting collection shown as 40,447.40. Was that money there awaiting collection or was that a false figure?”

F

Q. “A false figure.”

A. “Cash on hand of 35,751.65, again was that there?”

Q. “False figure.”

A. “So the total of the two figures do not make the shortage total?”

G

MR TATFORD: The reason for that, if you add those two numbers together – and I forget now exactly what they were, but just give me one moment ---

JUDGE STEWART: 75.

H

MR TATFORD: Yes. Thank you very much. If you add them together it is about 75,000. Just give me one moment. I am so sorry. (Pause) Yes, I see. If you add the two figures it

A

makes 75,000. You said that does not make the shortage total. Did you know the exact shortage total at this moment?

A. Not the exact total, but I think I referred at the beginning, it was around 79.

B

Q. Yes. Did you in fact discover in due course that the true figure was 74,609?

A. Yes, after the interview, yes.

C

Q. Yes. So in fact would the correct figure, those figures if you add them up they just go beyond the full amount that was lost?

A. That is correct.

D

Q. But in any event would you expect there to be next to no cash on hand at an office?

A. No. There should be cash on hand at an office.

E

Q. So when you asked the question you thought, do I have this correct, you thought that in fact the two numbers didn't make the shortage when in fact they just do?

A. Yeah.

Q. But in any event you would expect much of those figures to be really there?

F

A. Sorry. I don't ---

Q. Let me ask you this another way. If we go on to the interview, you asked the question, you said "the total of the two figures do not make the shortage total."

G

A. That is correct.

Q. Then Mrs Misra said she remmed figures out which were not sent. This figure would then be reversed out afterwards. What did you understand Mrs Misra to mean?

H

A. I think looking at that, what I was getting at that add those two figures together I was looking, during the interview, I was thinking there is a shortage of 79,000.

Q. Yes.

A

A. So if you add those together there would be no money in the post office, so that is why I asked that question “has the figure gone up and down?” That is what I think I was getting at at that time.

B

Q. What did you understand Mrs Misra to be saying?

C

A. It says that “she remmed figures out which were not sent. This figure would then be” – right okay. That is, we said about the cash, the pouches that had been made up. They are scanned on to the system and the figures were put in however much they have put, said would be in that pouch, remmed it out of the system, so effectively takes the money out of the accounts which would bring the cash on hand figure down, so she can balance for accounting purposes and then once that is done you reverse that transaction so the money goes back in again.

D

E

Q. So you understood her to be saying that another way she found of changing figures was to suggest to the computer she was remming out money, then balance the accounts and then reverse the transaction after she had balanced?

F

A. That is correct, yes.

Q. Thank you. Could you pick it up now from the fourth line, please?

G

A. “Confirms understanding that the shortage would be hidden by being shown as held in figures for remms out. Cash awaiting collection and cash on hand figures.”

Q. So you confirm that she was essentially saying three ways in which she hid the loss – the cash awaiting collection, cash on hand and false figures for remming out?

H

A. The cash awaiting collection is the remming out figure.

Q. I am sorry, of course, yes. So two ways. She has dealt with two rows though in the bank trading statements that were false – cash on hand carried forward and all currencies awaiting collection?

A

A. That is correct, yes.

MR TATFORD: Yes. Then you went on to show the branch trading statement for 15th November to 14th December 2006.

B

JUDGE STEWART: Page 28.

MR TATFORD: Yes, page 28. Thank you, your Honour. (to the witness) So again we perhaps can do the exercise of just turning the page at right angles to the interview below.

C

13,070 was shown as awaiting collection. Pouches despatched is 101,000 and cash on hand 27,000?

A. That is correct.

D

MR TATFORD: Could you read your question, please?

A. "Shows branch trading statement for 15th November to 14th December, 13,070 shown as awaiting collection, pouches despatched as 101,000 and cash on hand 27,000. What ---"

E

JUDGE STEWART: I am sorry to keep interrupting, but page 28, the 101,000, that is a bit higher up than where we have been looking previously.

F

A. It is, yes.

Q. "All currency, pouches despatched via" something or other.

A. That is "stock units."

G

JUDGE STEWART: Yes.

MR TATFORD: So there are three figures that are referred to here, the two usual rows in block four, but then above in block three, it is the second one down, "all currency pouches despatched via S users" what?

H

A. "Stock units."

A

Q. 101,221. So in relation to that she was saying these were three sets of false figures, if we could go back to the interview?

A. No.

B

Q. I am so sorry. You read out the interview then and explain it. I am so sorry.

A. Do you want me to carry on reading the interview?

Q. If we begin at 32.10, please?

C

A. Okay. "Would that have been a false account as well?"

Q. "That is right, yes."

A. "So between period 08 of 2006/2007 until the present day all the trading accounts have been false accounts?"

D

Q. "That is right."

A. Asked "what would have happened if she had shown the losses?"

E

Q. "They would have taken the post office away from me because the staff is my responsibility" and then she confirmed it was not the right thing to do but at the time they were repaying the money and would have repaid it all from the shop takings.

F

A. "Was it an honest thing to do?"

Q. "It was not an honest thing to do."

G

A. "Explains that by covering up the shortage she has kept the post office and shop going. Discussion on holidays and SM says that she went to India on 28th November 2007 for about six or seven days, then returned for two days to do the post office balance."

Q. And she confirmed that only she had completed the accounts since 2007?

H

A. Yes.

Q. You then went on to show her the two grey pouches which were found in the post office secure area. Inside were two receipts which we have seen this morning for 13,000 and

A

for 14,000. You asked why the pouch was made up and she said she was hoping to get the money from the shop takings and from friends and family. Then you confirmed that these are entered on Horizon as pouches awaiting collection. She said “that is right.” There was then a discussion on user codes and she said she shares with her husband. Then the buzzer sounded which was an indication that the tape was coming to a close and so part one of the interview was concluded?

B

C

A. That is correct, yes.

Q. We can turn over the page to page 26 to see the much shorter part two of the interview. At the beginning of a new tape you have to go through the same introductory process as you used on the first tape. Is that right?

D

A. Exactly the same and we complete the rear of the legal rights form again.

Q. So even though it has been done once before on tape it has to be gone through again?

E

A. Every time you start new tapes, yes.

Q. So we can see that took place at the beginning. Just two lines down from 206, you showed a copy of a receipt for £475. That was the money she handed over that morning?

F

A. That is correct, yes.

Q. And you explained the money is without prejudice. What did you mean by that?

G

A. The receipt is we will accept the money back and that is taken without prejudice to any action that the Post Office Ltd may take.

H

Q. You asked her about any proposals she might have on repayment of the shortage. She said she cannot pay all of it straightaway but has to make arrangements with regard to salary and shop takings. “We will try and get some money from family and friends.” She said they have another property which is rented out. A management company are holding

A

the rent for three years, and some financial details were taken about that company. You then referred to some building plans for another property, but Mrs Misra explained that had nothing to do with her. Is that right?

B

A. That is correct.

Q. And you are happy that that was a completely irrelevant piece of paper that you had happened to see in the search. Is that right?

C

A. Yes, yes.

Q. Her current property is leasehold with six to seven years lease left. She paid £200,000 for the business with a £67,000 mortgage. Her living accommodation is rented. Then you summarised the position. "The audit team found a shortage of around 79,000."

D

We know in fact it was a little less than that. "Mrs Misra admitted it was due to staff thefts of 89,000 in 2006. Staff no longer worked there and she has completed the branch trading statement every four weeks on which false figures have been entered. She accepts it is dishonest and she has gained by keeping the post office. She tried to repay the shortage and will continue to do so." Then your question at 12.12, please?

E

A. "Was it you that stole the 89,000?"

F

Q. "No."

A. "Have you ever stolen any money from the Post Office?"

G

Q. "No, not a single penny." If you would read out Jon Longman's remarks as well, please?

A. "Clarification with SM that she has falsified the cash on hand figures and made up the cash in pouches figures. I give an opportunity for her to say anything else."

H

Q. That is fairly standard, is it not, at the end of an interview to say "have you got anything else to say?"

A

A. Yeah. It gives an opportunity for anything they want to clarify or feel they have not had an opportunity to say during the interview.

B

Q. At 1407 Mrs Misra said "I haven't taken a single penny out. I wanted to rectify this. I wanted to clear this up. I know I have done a bad thing but in that situation I had to do it to save my business." Then she was given a notice explaining what happened in relation to the tape recording?

C

A. That is correct, yes.

Q. For instance, that she would be entitled in due course to a copy of that?

A. That is correct.

D

Q. Then in fact the original tape is sealed. Is that right?

A. There is two tapes and one is totally sealed with the master seal and then that can't be opened unless ordered to by a judge. The other tape is what we call the working tape which any report that is done we take the information off of that tape.

E

MR TATFORD: Yes. Thank you. Could you remain there, please?

Cross-examined by MR HADRILL:

F

Q. The sequence of events are that you attend, as we know, at 2.10 p.m. We also have at page 16 the notice that you speak to Mrs Misra at 2.28 or at least formally speak to her because this is when this form is signed. That is not having a quiet chat. It is complying with the regulations for possible prosecution?

G

A. Yes.

Q. We know that if we look at our exhibit bundles 13 and 14 that is dated at 2.25 p.m on page 14, timed at 2.25 p.m?

H

A. Yes, that is correct.

A

Q. So if I put it to you this, that clearly your colleague Mr Noverre and others had been carrying out an audit. You were summoned to the post office. You attended, and these two notes which we find at 13 and 14 and also 15 had already been completed?

B

A. Yes.

Q. As you turn up you are given information by Mr Noverre that Mrs Misra has admitted to a shortfall of 50,00 to 60,000?

C

A. Yes.

Q. In regards to the state of this investigation which we know that the timings he didn't actually finish until 6.45 p.m, finishing trading position number 2?

D

A. That is correct, yeah.

Q. So he is continuing to carry out his investigations. You are going to have an interview. The notes we see on pages 13, 14 and 15 are already written and handed to you and then you start formally to interview her?

E

A. That is correct, yes.

Q. Can I just say, you don't know who actually wrote these because they are just handed to you, presumably are written whilst Mr Noverre has been asking questions in regard to his audit of the defendant Mrs Misra?

F

A. Sorry. The question was? I don't ---

G

Q. You don't know who has actually written these. They are handed to you?

A. They are handed to me, yes.

Q. Yes. 13 and 14 are written and signed by Seema Misra?

H

A. Yes.

Q. But in actual fact nothing really turns upon it. Number 15 is written by her husband and signed by her husband?

- A** A. Seeing that now, yes.
- Q. You agree with that?
- A. Yes.
- B** Q. What has happened is you are just handed two sets of notes and then, as we see on page 16, you start your investigation at 2.28?
- A. I have been, en route to the office been in communication with Mr Noverre and he would have told me what the conversation he had had with Seema Misra and again it is protocol that if they have had a conversation we ask them to get that person to write it down as a contemporaneous note.
- C**
- Q. So we get her complying with the request made by you via Mr Noverre in readiness for when you attend?
- D**
- A. Yes.
- Q. In fact number 15, if I suggest it was drafted and written for the purpose of dealing with a specific issue, perhaps I should have put this to Mr Noverre but nothing turns on it, raised by Mr Noverre. It was just handed to you as well?
- E**
- A. Yes.
- F** Q. In essence we know that she didn't have to speak to you if she didn't want to?
- A. Yes.
- G** Q. As you have said, that she was not under arrest. She could have just walked away if she wanted to?
- A. She could have, yes.
- H** Q. But she was willing to assist in your enquiry?
- A. She was.
- Q. And answered every question you put to her?

- A** A. She did, yes.
- Q. She complied with all requests you made of her?
- A. Yes, she did.
- B** Q. Even signing authorisation for you to obtain and examine her bank records?
- A. Yes, that is correct.
- Q. Indeed that you obviously didn't find anything at her home of any interest?
- C** A. No. Nothing was seized.
- Q. You searched the shop and the post office of anything that could be of assistance?
- A. We would have, yes, and again nothing has been seized, only the trading statements were taken.
- D** Q. The convenience store also has a photocopying machine, does it not?
- A. I can't remember.
- E** Q. You cannot remember. In regard to page 27 of this interview that has been handwritten in the lower right hand corner, you are talking about building plans. What happened was that some plans were found on a photocopier and it was a customer's plans which had been left to photocopy. You would accept that?
- F** A. I would accept it. If I thought there was anything more in it I would have mentioned it more in the interview.
- G** Q. Clearly Mrs Misra was obviously upset during the course of the whole proceedings?
- A. Yes.
- H** Q. You were having to tell her to calm down and to be a little bit more measured in how she was speaking?
- A. I think I asked her to slow down, yes.

A MR HADRILL: I think that is as much as I have to ask you. Thank you.

Re-examined by MR TATFORD:

B Q. Could I ask very quickly just in relation to one matter you were asked? You were asked was she upset and your answer was "I had to slow her down speaking."

A. Yes.

C Q. For what it is worth did she appear upset to you?

A. I could not say yes or no. It was a long time ago and ---

MR TATFORD: All right, a long time ago.

JUDGE STEWART: It would not be surprising if she was.

D MR TATFORD: Absolutely. I wonder if this witness might be released, your Honour?

JUDGE STEWART: Yes.

(witness withdrew)

E MR TATFORD: Perhaps that would be a not too inconvenient moment?

JUDGE STEWART: Yes. What remains for today?

F MR TATFORD: There are some further live witnesses, two witnesses, Mr Dunks and Mr Bayfield. There is some evidence to be read as well. After that we will come to the first expert witness in the case.

JUDGE STEWART: Are either of them going to take very long?

G MR HADRILL: They could take some time. I need some certain answer to be given. I think that matters will be better dealt with for expedition and to make the case run smoothly if I ask for some time.

H JUDGE STEWART: That is Mr Dunks and Mr Bayfield, 58 to 76, and these are Post Office or Fujitsu?

MR HADRILL: Dunks is Fujitsu. Bayfield is Fujitsu as well I think.

A

JUDGE STEWART: The reason why we are having this discussion, members of the jury, is this. As you know, there are these two expert witnesses in this trial and there has been some recent exchanges between them which has resulted in some very new material which Mr Hadrill needs to examine and consider and it is going to take him a little time. The question is whether he should get down to it this afternoon while you have an early day or whether we should continue with these other witnesses and Mr Hadrill has to find some other time to do it. What he is saying to me I think, am I right, is that he thinks it would be most productive if he had the whole of this afternoon to work on it with the expert?

B

C

D

MR HADRILL: I don't think it is fair on the jury to say keep them here until 3, 3.30 and say we don't need them, and I think this will take some time and it is in fairness to the jury rather than having them kicking around ---

E

JUDGE STEWART: I am trying to balance all that with the inconvenience to the witnesses and so on and using up the court time efficiently. The trial has made good progress because we are nearing the end of the non-expert witnesses, are we, and then it will just be those two witnesses before the end of the prosecution case?

F

MR TATFORD: Yes.

G

JUDGE STEWART: Are you thinking that the prosecution case is likely to finish tomorrow?

H

MR TATFORD: That is certainly my view, yes.

JUDGE STEWART: Yes. Is it proposed that the two experts should be called one after the other?

MR TATFORD: No, it isn't.

JUDGE STEWART: No. That is the sort of timescale, so we are well on track. I am going to grasp this nettle and agree to do what Mr Hadrill asks, which is to give him the whole of

A

this afternoon to study the material that he needs to look at and so it means it is a half day for you. So you are finished for today. Thank you very much, and would you please be back ready to continue at 10.15 tomorrow when we will hope to crack on? Thank you very much.

B

(In the absence of the jury)

JUDGE STEWART: Am I going to be able to assist so far as this trial is concerned this afternoon?

C

MR HADRILL: I don't think so. What it is, it is so technical, we need to get simplicity into the detail.

D

JUDGE STEWART: Yes. We will see if I can assist in any of the other courts this afternoon. Thank you.

(Court adjourned)

E

F

G

H