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IN THE CROWN COURT  
AT GUILDFORD

T20100218

Bedford Road,  
Guildford,  
Surrey.  
GU1 4ST

B

21<sup>st</sup> October 2010

Before:

C

HIS HONOUR JUDGE N.A. STEWART

R E G I N A

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-V-

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SEEMA MISRA

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MR. W. TATFORD appeared for the Prosecution.

MR. K. HADRILL appeared for the Defence.

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TRANSCRIPT OF PROCEEDINGS.

DAY 9

H

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21<sup>st</sup> October 2010

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(The jury returned into the court).

JUDGE STEWART: Good morning. Again the ushers will take the oath and again you will continue your deliberations.

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(The jury bailiffs were sworn).

(The jury retired to further consider their verdict at 10.25 a.m.).

JUDGE STEWART: Thank you.

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(The court was adjourned).

(The jury returned into the court at 12.34 p.m.).

THE CLERK: Will the defendant stand, please?

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Will the Foreman please stand? Will the Foreman please stand?

Mr. Foreman, please answer my next question simply yes or no.

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Members of the jury, have you reached a verdict upon which you are all agreed?

THE FOREMAN OF THE JURY: Yes.

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THE CLERK: Do you find the defendant, Seema Misra, guilty or not guilty of theft?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK: Guilty. You find the defendant guilty and that is the verdict of you all?

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THE FOREMAN OF THE JURY: It is.

THE CLERK: Thank you. Sit down, please.

JUDGE STEWART: Yes, thank you. Take a seat.

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THE CLERK: Sit down, please.

JUDGE STEWART: Take a seat again.

MR. TATFORD: Your honour, I think Mr. Hadrill has an application for a pre-sentence

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report. Your honour knows the defendant's antecedents. The costs of the case are considerable and, in the light of the jury's verdict and the likely means of the defendant, the costs figure may be rather academic but the –

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JUDGE STEWART: I would like to know approximately what it is in due course.

MR. TATFORD: It is – yes, it is – I can – it is just under £19,000. £18,995. Is there anything else that I can assist with at this – this stage?

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JUDGE STEWART: No, thank you. We have heard that by the terms of the contract - and she is contractually bound to pay the deficit to the Post Office.

MR. TATFORD: Yes, that is right.

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JUDGE STEWART: Yes.

MR. TATFORD: Your honour, if there is to be another sentencing hearing and your honour is – if your honour is minded to adjourn for a report, the Crown would be seeking to set a confiscation timetable then. Although there is a civil liability, experience has shown that the confiscation proceedings have rather more teeth and it does appear there may be some means that could go towards a confiscation order. It needs to be investigated.

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JUDGE STEWART: Well, I am not going to treat what you are saying as an indication that the prosecution submit that there should be confiscation proceedings at this stage. I will allow the Crown to consider their position –

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MR. TATFORD: Yes.

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JUDGE STEWART: - and decide whether to make that assertion because if that is the Crown's position, the court is then bound to embark upon confiscation proceedings with all that they involve.

MR. TATFORD: Yes. The – it may be – what the Crown would seek to do, first of all,

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your honour, would be to ask the – ask the defendant to provide an affidavit and that would be the beginning stage to the investigation. If your honour is minded to adjourn today, then that can be – investigations can start and then a timetable will be set on another date if appropriate. If your honour is thinking in another way, it may be sensible as a matter of caution to set a timetable now.

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JUDGE STEWART: It would. Well, let me hear what Mr. Hadrill wants to say.

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MR. TATFORD: Yes, of course. Thank you.

JUDGE STEWART: Forgive me, Mr. Hadrill.

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MR. HADRILL: I would certainly ask for a pre-sentence report so your honour has the fullest independent background information upon Mrs. Misra. Although your honour knows a great deal about her, she having given evidence, and her work for the last ten or fifteen –

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JUDGE STEWART: Well, she is a person of good character before the matters that have been the subject of this indictment and, albeit the resources of the Probation Service are getting ever more stretched, I think I should, in the circumstances of this trial, bearing in mind what the sentencing guidelines are for offences of theft in breach of trust –

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MR. HADRILL: Yes.

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JUDGE STEWART: - there is no question about it, the guidelines demonstrate what was always the position even before the guidelines were issued that the starting point is a period of imprisonment for an offence of this kind -

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MR. HADRILL: Yes.

JUDGE STEWART: - on this scale.

MR. HADRILL: And she knows that.

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JUDGE STEWART: And so that is plainly the context in which any report is going to be prepared but I am not making the final decision today.

MR. HADRILL: No. Thank you.

JUDGE STEWART: The Bail Act requires me to renew her bail unless there are any of the statutory exceptions to the right to bail. I do not perceive that any of those are present and so I must continue her bail but she must understand that that is no indication of what the sentence will be and also if she fails to turn up, not only is it an offence for which people can go to prison itself but she could be sentenced in her absence.

MR. HADRILL: Indeed. She knows that as well.

JUDGE STEWART: Just remind me –

MR. HADRILL: In regard to –

JUDGE STEWART: I am so sorry.

MR. HADRILL: Sorry.

JUDGE STEWART: Have there been any conditions up until today?

MR. HADRILL: It has been unconditional. She has attend – attended court promptly.

JUDGE STEWART: No. There will be no conditions other than the requirement to attend and she must, of course – I am not making this something that will go in the bail conditions but she must obviously co-operate with the Probation Service who will offer her an appointment and she must attend. So, in those circumstances, will it be a four week report? Let me see. Where are we?

MR. HADRILL: Your honour, with regard to the prosecution application with regard to

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the financial disposal of this case, it may be sensible if those who instruct me provide a written document to the prosecution and then that will allow them to make a reasonable decision as to whether to embark upon confiscation or not.

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JUDGE STEWART: Yes. If she chooses to volunteer information, the prosecution can consider that.

MR. HADRILL: Thank you.

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JUDGE STEWART: But I am making no order at this stage. Where are we? We are at 21<sup>st</sup> October, so, literally, four weeks today would be 11<sup>th</sup> November. Do you have any –

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MR. HADRILL: If it has to be – I know – I understand from the clerks that I am going to be involved in a significant trial, judge alone, that starts as part two of a different series. If – if it needs to be moved, hopefully arrangements can be moved but if we can fix 11<sup>th</sup> November, I would be grateful.

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JUDGE STEWART: It is going to be 11<sup>th</sup> November, yes, and if anybody wishes to raise anything else in due course, of course it can be considered but that is the date, 11<sup>th</sup> November.

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Well, members of the jury, there it is. I am sorry you are not going to see the final outcome, although there is nothing to stop you coming back later if you choose to do so but that would be up to you, but it does complete the part of the proceedings in this case which require your attendance and your participation. You have completed your task by returning your verdict and I am assuming – I am looking at the jury bailiff now – I am assuming there is not going to be another trial for you at this stage in your jury service. Am I right? Am I right about that?

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THE JURY BAILIFF: That's right. They're free to go.

A JUDGE STEWART: Yes. So you will be told – do forgive me – you will be told when  
you leave court now that your period of jury service is over and you will not be  
required to come back after today.

B So let me, not only thank you for the care and attention you gave to this trial,  
which was manifest to everybody, but also more generally to acknowledge your  
period of jury service as a whole. I know it has all been devoted to this one trial.

C Jury service is inevitably an inconvenience. It takes people away from their  
normal life. It can cause problems in terms of work commitments and domestic  
arrangements and so on and, once you are here, it can be frustrating with delays -  
D some of them cannot be explained, some of them can - and you may have thought at  
times that your own time resource was not being fully and efficiently used. I am  
sorry if you ever felt that. We are grateful to you for your apparent good humour in  
E coping with all those things. I hope, though, you did not feel too irritated. But we  
do try, not always successfully, to avoid that inconvenience.

F But the fundamental position, as far as we are concerned, is that jury service  
is a very important public and civic duty. It is very important that the public should  
be involved in the criminal justice system and that the important – the most  
important decisions really that you as jurors make should not be just left to all the  
G lawyers.

So thank you very much for that. I hope you found it an interesting  
H experience, if nothing else, and you are now free to leave.

Thank you both and thank you all very much.

(The members of the jury withdrew from the court).

JUDGE STEWART: Now, Mrs. Misra, speak to that lady from the Probation Service who

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is just making herself known to you now before you leave so you know exactly what is expected of you next and you must be back here on Thursday 11<sup>th</sup> November when you will be sentenced.

**B**

Thank you.

The jury in the case of Darren Pullen can be released until 2.00. Thank you.

Thank you both for your assistance.

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MR. TATFORD: Thank you, your honour.

MR. HADRILL: Thank you, your honour.

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