

WITNESS: SEEMA MISRA

STATEMENT NUMBER: WITN0065_01

EXHIBITS: 3

DATED: 17 February 2022

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF SEEMA MISRA

I, Seema Misra, will say as follows:

1. In 2008 I was subpostmistress at the West Byfleet post office. A so-called Post Office “audit” in January 2008 led to the accusation by the Post Office that I was responsible for a shortfall of about £74,600. On 21 October 2010, following a trial in the Crown Court at Guildford before Judge Stewart and a jury, I was convicted of theft. On 11 November 2010, I was sentenced to 15 months’ imprisonment for the theft and six months’ imprisonment concurrently on each count of false accounting. For various reasons, including relating to the “evidence” of Gareth Jenkins and non-disclosure of key information by POL, it was impossible for me to have a fair trial.
2. It was my son **GRO** tenth birthday on the day I was sentenced. I was taken out of the Court in handcuffs. A respectable woman so ashamed of my conviction I begged a prison officer to hide my handcuffs with their coat as I was led away to jail. I was eight weeks’ pregnant with my son **GRO** Until **GRO** was 10 years old, he had to live with the lie that his mother was a criminal.

3. The Post Office concealed material from me, *material* that would have enabled me to successfully appeal my conviction from not later than 2013. On being sentenced, I was admitted to hospital. Had I not been pregnant, I would have considered taking my own life. I was portrayed in the press as a "pregnant thief". Since the time of my conviction in November 2010 my life and that of my family was ruined by my wrongful prosecution and my wrongful conviction for theft, my experience of prison - which unsurprisingly has never left me - and the catastrophic personal and financial consequences that followed. I had to wait until 23rd April 2021 for my conviction to be quashed. The Court of Appeal, which used more space in its judgment to discuss me than any other appellant, had "no hesitation" in quashing my conviction as abuse of process of the court; my trial was unfair. My prosecution was held to be an affront to the conscience of the court.

4. I would like to include just three pieces from publicly available sources. There are many. A brief google search "seema misra – post office" reveals some 140,000 results. However, the core of this statement is contained in the previous three paragraphs.

i) **This first one is from Evidence Based Justice Lab at the University of Exeter (Exhibit 1)**

"Seema Misra was one of the "Post Office 39," a group of former sub-postmasters and post-mistresses who were convicted of offences including theft, false accounting, and fraud, based on information from a computer system called Horizon which suggested that money had gone missing from post-office branch accounts. Ms Misra pleaded guilty to six counts of false

accounting and was found guilty of theft following a trial in the Crown Court. She was sentenced to 15 months' imprisonment for the theft and six months' imprisonment concurrently on each count of false accounting. She was ordered to pay compensation of £40,000 to the Post Office. She served four months in prison while pregnant. The basis of each of the prosecutions of the "Post Office 39" was that money missing from the branch account had been a result of theft by the sub-postmaster or mistress or had been covered up by fraud or false accounting by the sub-postmaster or mistress. On appeal, the Court of Appeal accepted findings that bugs, errors, and defects in Horizon could, and did, cause discrepancies and shortfalls in branch accounts. The court concluded that if the Horizon data was not reliable then there was no basis for the prosecution, and the convictions were quashed. The court noted that failures of investigation and disclosure in the cases prevented the appellants from challenging, or challenging effectively, the reliability of the Horizon data."

ii) **The second is an extract from a piece in a newspaper called Eastern Eye—29th April 2021 (Exhibit 2)**

"IMAGINE a scene in which Paula Vennells has her knee pressed on Seema Misra's neck so she cannot breathe. This is effectively what Vennells, chief executive of the Post Office, and her senior staff did when pursuing a malicious prosecution of Seema, a subpostmaster in West Byfleet, Surrey. Seema, who received a 15-month prison sentence at Guildford crown court in 2010 for "stealing" £74,609, was eight months pregnant. It now turns out she was completely innocent. There was a glitch in the Post Office's Horizon

computer system which was responsible for the shortfall. The only way justice can be done in one of the worst miscarriages of justice Britain has seen in decades is for Vennels and her senior executives to be prosecuted and given exemplary prison terms. Ten years would not be too much.

Seema, who collapsed in court when her sentence was announced, said: "I would definitely have killed myself if I hadn't been pregnant." Seema was suspended in 2008 after an "audit" found the accounting discrepancy. Over two years she had attempted to balance her books, borrowing money and transferring takings, but failed to keep her head above water. During the trial, the Post Office deliberately withheld information that would have helped her.

"They played with people's lives," said Seema. "Those at the Post Office who knew what was going on should go to prison. "During her trial, she refused to plead guilty, believing justice would prevail. Seema was given a conditional release after four months but had to wear an electronic tag. "People stopped talking to us," she recalled. Her taxi driver husband, **GRO** revealed: "I was beaten up and called a 'f***ing P*ki', coming to this country and stealing old people's money." Seema, who was dubbed the "pregnant thief" and **GRO**, now 45 and 49 respectively, were forced to move home. "No amount of money can make up for the struggle I went through," she said."

- iii) **The third is an extract from Mail Online – 24th April 2021 (Exhibit 3)**

"Postmaster, 45, cries as the High Court quashes her criminal conviction for theft and false accounting which saw her jailed when she was pregnant. Seema Misra served four months of a 15-month sentence in 2011 while pregnant. She was suspended from her post office she ran in West Byfleet, Surrey in 2008. She was convicted of theft and false accounting which has finally been quashed

Sitting in the High Court as her name was read out yesterday, it took Seema Misra a few moments to compute that her criminal conviction had finally been quashed. Only after her eyes met with other sub-postmasters and her social media feed revealed the news did she allow it to sink in. Then, tears fell.

'It was very important that I came to court and heard it from the judges myself, after waiting so long, but it didn't feel real at first. I wanted to double check,' says Mrs Misra, 45, who served four months of a 15-month sentence in 2011, while pregnant, after being wrongly convicted of theft and false accounting. 'I felt a mixture of emotions. Happy and grateful, but also angry and betrayed that this happened and that it has taken so many years for my name to be cleared.' She feels vindicated not only by the verdict but the finding the Post Office withheld information that would have given her and the 38 other sub-postmasters whose convictions were quashed a fair trial.

'They did this deliberately,' says Mrs Misra, who ran a post office in West Byfleet, Surrey. 'They played with people's lives. Those at the Post Office who knew what was going on should go to prison. 'Before yesterday's ruling sleep

didn't come easily for Mrs Misra, who lives in nearby **GRO** with taxi driver husband **GRO** and sons **GRO** and **GRO**. 'Every half hour I'd have a nightmare that I didn't hear my alarm, or missed my train,' she says. 'I knew we'd get justice. But it shouldn't have taken this long.'

'No amount of money can make up for the struggle I went through,' says Mrs Misra, who was suspended from her post office in 2008 after auditors found a £74,609 shortfall she couldn't explain.

Her conviction has cast a shadow over every aspect of her life since her week-long trial at Guildford Crown Court in October 2010 saw her imprisoned while eight weeks pregnant with **GRO**. A respectable woman so ashamed of her conviction she begged a prison officer to hide her handcuffs with their coat as she was led away to jail, she would have considered suicide, were it not for the new life growing inside her. She gave birth two months after her release, on tag, after which the shame of her conviction made life unbearable.

'People stopped talking to us,' she says, while Mr Misra adds: 'I was beaten up and called a 'f***ing P*ki, coming to this country and stealing old people's money.' They moved house but Mrs Misra, who developed depression, still felt unable to show her face at the school gates. 'I assumed everyone knew, and they weren't talking to me because I was a criminal.' She didn't throw a birthday party for her youngest son for eight years. 'I didn't want everyone to know that **GRO** mum was the one who went to prison,' she explains. Mrs Misra, who sold the post office for less than half the price she paid, started

helping her husband run his taxi firm. But while she was in prison, Mr Misra had to single-parent and the business floundered. The couple's second property in London had already been seized to pay off the missing money. Even on her release, Mrs Misra was unable to get work because of her conviction. Once a financial controller in the City, she says: 'I thought I'd be able to become an Uber driver but couldn't. When I applied for funds to do courses to re-enter the financial industry I wasn't allowed.'

Even the most mundane activities caused pain. 'Whenever I filled out a form for something like car insurance, I'd have to state my conviction. It brought the bad memories back.' But Mrs Misra will cherish the everyday changes most. 'All those forms I had to fill in stating my conviction,' she says quietly. 'I won't have to do that anymore.'

Nick Wallis book

5. Finally, may I draw the Inquiry's attention to the following pages, which were read by me before publication:

The Forward/ Pages 103—119 for background as to what happened to the Misras/ Pages 138—142 for her trial/ Pages 143—45 Seema is sent to prison /Page 153/Page 426/428-429.

6. These pages explain in a way which brings home the reality more than I ever could, what happened to one person – one family.

Statement of Truth

I wish this statement to stand as my statement to the Inquiry.

I believe that the facts stated in this witness statement are true.

Signed

GRO

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Print full name: SEEMA MISRA

Dated: 17th Feb 22.....