

IN THE MATTER OF NAVEEN SAGAR, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr R J C Potter (in the chair)
Mr L N Gilford
Mr G Fisher

Date of Hearing: 22nd April 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Regulation Authority by Robert Simon Roscoe, a solicitor and partner in the firm of Victor Lissack, Roscoe and Coleman Solicitors of 70 Marylebone Lane, London, W1U 2PQ on 29th August 2008 that Naveen Sagar, formerly of Mehra & Co Solicitors of 367 High Road, Wembley, Middlesex, HA9 6AA, but now of HM Prison Highdown, Sutton Lane, Sutton, Surrey, SM2 5PJ (Prison number XA 4515) a solicitor may be required to answer the allegations contained in the statement which accompanied the application and that such Order be made as the Tribunal should think right.

The allegation against the Respondent, Naveen Sagar is that he has been guilty of conduct unbecoming a solicitor, namely:

1. On 5th December 2007 at Kingston Crown Court, following arraignment on four indictments and upon his plea of guilty, he was convicted of three counts of conspiracy to pervert the course of justice, one count of conspiracy to obtain property by deception, one count of false accounting and one count of contempt of court and sentenced to serve a total of 14 ½ years imprisonment.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 22nd April 2009 when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Tribunal considered an application to adjourn which had been made by the Respondent's solicitors, Carter Moore Solicitors by a faxed letter dated 20th April 2009. This letter had been sent direct to the Tribunal and indicated that the Respondent intended to submit an application for leave to appeal against his conviction. The Tribunal had also received a letter from the Respondent direct dated 2nd April 2009 indicating that he requested an adjournment.

The Tribunal stated at the beginning of the hearing that they were not impressed with the contents of the letter from Carter Moore as this letter asked the Tribunal for a copy of the letter not to be disclosed to the Applicant. The Tribunal viewed the contents of this letter with a great deal of concern and were very unhappy with a request to adjourn a substantive hearing based on a letter that the Respondent's representatives did not want to be disclosed to the Applicant, thereby placing the Tribunal in a very difficult position. This was not in the spirit of transparency and open correspondence but in any event, having considered the contents of that letter and the letter from the Respondent the Tribunal did not propose to grant the adjournment in any event.

The Applicant reminded the Tribunal that it was clear from the correspondence received that both the Respondent and his representatives were aware of today's substantive hearing. In the circumstances, the Applicant asked the Tribunal to exercise its discretion to proceed in the Respondent's absence and referred the Tribunal to the case of R v Jones [2002] UKHL 5 (20th February 2002) and the criteria to be considered in that case. The Tribunal confirmed it was fully aware of the case and the criteria referred to in that case and having considered that criteria, the Tribunal were prepared to exercise discretion and proceed with the substantive hearing in the Respondent's absence.

At the Conclusion of the hearing the Tribunal made the following Order:

The Tribunal Orders that the Respondent, Naveen Sagar of HM Prison Highdown (XA 4514), Sutton Lane, Sutton, Surrey, SM2 5PJ, solicitor, be Struck Off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £5,000.

The facts are set out in paragraphs 1-16 hereunder:

1. The Respondent, born in 1975 was admitted as a solicitor on 1st October 2001 and his name remained on the Roll of Solicitors.
2. He was currently serving a prison sentence at HM Prison Highdown, Sutton Lane, Sutton, Surrey, SM2 5PJ. At the time of his arrest in 2006, the Respondent was a partner in Mehra & Co, solicitors of 367 High Road, Wembley, Middlesex, HA9 6AA.
3. On 22nd December 2006 at the Kingston Crown Court the Respondent was arraigned on indictment T20067217 and pleaded guilty to two counts:-
 - (a) That contrary to Section 1 (1) of the Criminal Law Act 1977 he conspired to pervert the course of justice in that he with Ahmed Osman-Hersi and Mohammed Azam between 1st October 2004 and 20th June 2006 conspired together and with others known and unknown to pervert the course of justice.

On 5th December 2007 for this offence he was sentenced to 13 years imprisonment under Section 240 of the Criminal Justice Act 2003.

- (b) That contrary to Section 1(1) of the Criminal Law Act 1977 he conspired to pervert the course of justice in that he with Mohammed Abdullahi and Mandip Sehra between 1st May 2005 and 20th June 2006 conspired together and with others known and unknown to pervert the course of justice. On 5th December 2007 for this offence he was sentenced to 13 years imprisonment concurrent to the sentence imposed above.
4. On 22nd March 2007 at the Kingston Crown Court the Respondent was arraigned on indictment T20067265 and pleaded guilty to conspiring to pervert the course of justice contrary to Section 1 (1) of the Criminal Law Act 1977 in that between 7th February 2006 and 20th June 2006 he conspired with Mandip Sehra and with others to do a series of acts intending to and in an attempt to pervert the course of justice. On 5th December 2007 for this offence he was sentenced to 13 years imprisonment concurrent to the sentence imposed above.
5. On 22nd December 2006 at the Kingston Crown Court the Respondent was arraigned on indictment T20067398 and pleaded guilty to two counts:-
- (a) That contrary to Section 1 (1) of the Criminal Law Act 1997 he conspired to obtain property by deception in that he and Amit Sagar conspired together with Sunhil Mehra and others between 1st January 2003 and 16th June 2006 to obtain money transfers from the Legal Services Commission through the submission of false invoices for the services of interpreters in criminal proceedings. On 5th December 2007 for this offence he was sentenced to 18 months imprisonment consecutive to sentences imposed in respect of indictments T20067217, T20067265 and T20067332, under Section 240 of the Criminal Justice Act 2003.
- (b) That contrary to Section 17 (1) (A) of the Theft Act 1968 he with Amit Sagar on 10th February 2006 dishonestly and with a view to gain for himself or another and with intent to cause loss to another, falsified a document made or required for an accounting purpose, namely a letter to the Inland Revenue. On 5th December 2007 for this offence he was sentenced to 9 months imprisonment concurrent to sentences imposed in respect of indictments T20067217, T20067265 and T20067332.
6. On 22nd December 2006 at the Kingston Crown Court the Respondent was arraigned on indictment T20067322 and pleaded guilty to contempt of court contrary to common law in that he on 13th June 2003 acted in contempt of court by indulging in conduct intended to impede or prejudice the administration of justice, namely by taking photographs of the jury at the Central Criminal Court during the trial of Rajinder Singh Laddi for attempted murder. On 5th December 2007 for this offence he was sentenced to 4 months imprisonment concurrent to sentences imposed in respect of indictments T20067217, T20067265 and T20067398.
7. The Respondent was sentenced to serve a total of 14 ½ years imprisonment. Other counts before the court were either quashed on application of the Crown or, where the

Respondent had entered a plea of not guilty, ordered to “lie on the file” and marked not to proceed without leave of the court.

Conspiracy to pervert the course of justice

8. The Respondent had acted for a man called Ahmed Osman Hersi, a member of a criminal gang involved in organised crime, gun crime and drug dealing, following Hersi’s arrest in October 2004 for his involvement in a road-rage incident with a bus driver. At the time of Hersi’s arrest police found £32,000 cash in his car. The Respondent attended at the police station as Hersi’s solicitor. In interview Mr Hersi asserted that the money found belonged to a Mr Mohammed Azam. The Respondent subsequently produced Mr Azam to the police as a witness, who provided false evidence that the money belonged to him. In consequence, the money was returned to Mr Azam and criminal charges against Mr Hersi were discontinued.
9. In January 2005 and April 2005, Hersi, again came to the attention of the police, this time for firearms offences and, in May 2005, police arrested Mr Hersi, who was in possession of £29,000. He was again represented at the police station by the Respondent. Mr Mohammed Azam again attended the police station and told the police that the money was his.
10. Subsequently, on 22nd September 2005, Mr Azam told the police that he had been asked by Mr Hersi and the Respondent to tell the police that the monies found on Mr Hersi were his, despite that not being true. The police subsequently confirmed that that evidence was fabricated by the Respondent. The Respondent was allegedly paid £5,000 for his role in the matter and Mr Azam was paid £7,000.
11. Subsequently another member of the gang, Mohammed Abdullahi, the brother of Ahmed Osman Hersi, was arrested and found in possession of £15,000 of heroin contaminated bank-notes. The Respondent, who attended Paddington Green Police Station as Mr Abdullahi’s solicitor, arranged for Mandip Sehra to lay claim to the money and assisted his client in putting the explanation forward in the course of the interview under caution. Subsequently Mr Sehra came forward and told police that the money had not been his, that he had been asked to assist by the Respondent and that the Respondent told him that they would share £5,000 as payment for this.
12. On 7th February 2006 police arrested the Respondent at his home address. The police recovered £75,000 in cash from under his parents’ bed. Neither the Respondent nor his parents gave any explanation for this cash. The police also found three clients’ passports in the Respondent’s bedroom. The police assert that the Respondent owned seven properties.
13. During the course of a further search on 31st May 2006 police recovered a lap-top computer and a digital voice recorder at the Respondent’s home. The Crown alleged that the information recovered showed that the Respondent and Mr Sehra were conspiring together to compromise one of the Investigating Officers or to get him to commit himself or make it seem that he had committed himself to an inappropriate course of conduct with the intention of compromising the criminal investigation and the prosecution against them.

Conspiracy to obtain property by deceptionFalse accounting

14. Mehra & Co received payments from the Legal Services Commission in respect of work done and disbursements incurred. In 2004 the Respondent and his partner, Sunil Mehra, set up "ZM interpreters." ZM interpreters would provide false invoices that were submitted that were submitted by Mehra & Co to the LSC for payment. In February 2006 Mr Mehra admitted the fraud and disclosed the matter to the police.

Contempt of Court

15. Police recovered the Respondent's mobile phone. The phone memory was found to contain photographs taken inside court of the jury in an attempted murder trial in which the Respondent was acting for defendant and of the interior of the court room.
16. The sentencing remarks of the trial judge HH Judge Fergus Mitchell, were before the Tribunal.

The Submissions of the Applicant

17. The Applicant provided the Tribunal with two Civil Evidence Act Notices which had both been served on the Respondent's solicitors. The first Civil Act Notice attached a copy of the Applicant's application and was dated 2nd October 2008. The Applicant confirmed he had received no indication that the content was challenged.
18. Following disclosure to the Applicant earlier this year that the Respondent intended to appeal, the Applicant obtained a copy of the Court of Appeal, (Criminal Division) Order dated 4th July 2008 and 3rd February 2009 together with a copy of the judgement of Lady Justice Hallett and Mr Justice Teare a copy of which was before the Tribunal. Those documents had been served on the Respondent's solicitors with the second Civil Act Notice dated 18th March 2009. The Applicant confirmed that he had received no reply to either of the notices.
19. The Applicant also advised the Tribunal that the total sentence of 14 ½ years had been reduced on appeal to ten years imprisonment.
20. The Applicant submitted that this was a solicitor who had been in the public eye, he had been convicted of very serious criminal offences, he had severely damaged the reputation of the profession and these were all matters to be viewed very seriously indeed. The Applicant also produced a schedule of costs which he was seeking to claim in the sum of £5,400.

The Findings of the Tribunal

21. The Tribunal had considered carefully the documents before it and the submissions of the Applicant. This case represented disciplinary proceedings against Naveen Sagar following what could only be described as breathtaking criminality and activity on Sagar's part. It was rare that the Tribunal had to deal with a solicitor who had so blatantly breached the professional conduct rules and indeed the criminal law. It was clear to the Tribunal that Mr Sagar was nothing more or less than a disgrace to this

profession. It was the firm hope of the Tribunal that he should not be allowed to practice ever again. Whilst the Tribunal appreciated it could not, of course, bind future Tribunals and, indeed, did not seek to do so, the weight of those remarks was made in the course of outlining sanction in this case and the Tribunal hoped that they would be taken into account should there ever come a time that Mr Sagar appeared before the Tribunal again by way of any application for restoration to the roll.

22. He was clearly a person who was not fit to be a member of the profession and had caused severe damage to the reputation and trust placed in the profession by the public.
23. In relation to the question of costs, the Tribunal had considered the schedule submitted by the applicant and noted that some time had been included which referred to preparation for the hearing. The hearing had been a relatively short hearing and in the circumstances, the Tribunal assessed the Applicant's costs at £5,000 and Ordered these to be paid by the Respondent.
24. The Tribunal Ordered that the Respondent, Naveen Sagar of HM Prison Highdown (XA 4514), Sutton Lane, Sutton, Surrey, SM2 5PJ, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £5,000.

Dated this 30th day of July 2009
On behalf of the Tribunal

R J C Potter
Chairman