

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12156-2021

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

DEEPANKAR DIXIT
AYAZ SIDDIQUE

First Respondent
Second Respondent

Before:

Mr P S L Housego (in the chair)
Miss H Dobson
Mr A Lyon

Date of Hearing:
12 December 2022

Appearances

Michael Collis, barrister of Capsticks LLP for the Applicant

Geoffrey Knowles, barrister of Cathedral Chambers for the First Respondent for the preliminary applications only. Thereafter the First Respondent did not attend the remainder of the hearing.

The Second Respondent was not present and was not represented.

JUDGMENT

Allegations

1. The allegation against the First Respondent was that:
 - 1.1 Between January 2014 and May 2016, he carried out false accounting contrary to Section 17(1) Theft Act 1968 and, in doing so, breached all or any of Principles 2 and 6 of the SRA Principles 2011 (the 2011 principles).
2. The allegations against the Second Respondent were that:
 - 2.1 Between January 2014 and May 2016, he carried out false accounting contrary to Section 17(1) Theft Act 1968 and, in doing so, breached all or any of Principles 2 and 6 of the 2011 Principles.
 - 2.2 On or around November 2016, he committed an act or series of acts with an intent to pervert the course of public justice contrary to the common law and, in doing so, breached all or any of Principles 1, 2 and 6 of the 2011 Principles.

Executive Summary

3. Mr Dixit and Mr Siddique had both been convicted at the Crown Court of false accounting and received sentences of immediate imprisonment. Mr Siddique had additionally been convicted of perverting the course of justice, for which he received a consecutive term of imprisonment. They both denied any wrongdoing. Mr Dixit and Mr Siddique both sought adjournments of the proceedings – those applications were refused. Mr Dixit attended initially and then withdrew. Mr Siddique did not attend and was not represented.
4. The Tribunal found all the Allegations [proved](#) on the basis of the convictions.

Sanction

5. Mr Dixit and Mr Siddique were both struck off the Roll and they were each ordered to pay £11,475 in costs. Click [here](#) for Sanction.

Documents

6. The Tribunal considered all of the documents in the case which were contained in an electronic bundle on CaseLines.

Preliminary Matters

7. [First Respondent's Application to Adjourn](#)

First Respondent's Submissions

- 7.1 Mr Knowles applied for an adjournment on the basis that Mr Dixit had, on 9 December 2022, lodged an application for leave to appeal against his criminal conviction.

- 7.2 Mr Knowles told the Tribunal that the ‘exceptional circumstances’ argument related to the criminal appeal matter. He stated that no argument relating to exceptional circumstances was being advanced in proceedings before this Tribunal either in relation to whether the allegations were made out or in relation to sanction. He indicated that the question of exceptional circumstances might arise if the conviction was found to be unsafe but that would be a matter for the Court of Appeal to determine.
- 7.3 In relation to the appeal application itself, Mr Knowles told the Tribunal that broad grounds had been lodged and that these would be perfected after he been through the transcripts of the criminal trial, which he had not yet done. The application would initially go before a single Judge on the papers, something Mr Knowles estimated would occur in late February 2023. He did not expect any listing of the appeal before April 2023.
- 7.4 Mr Knowles submitted that a short delay was not prejudicial and an adjournment pending a decision by the single Judge would be the fair and balanced approach. Mr Dixit was not practising and was currently working as administrative clerk. There was therefore no prejudice in adjourning matters. Mr Knowles, who had only very recently been instructed, conceded that the appeal should have been lodged earlier and accepted that it was two and a half years out of time.
- 7.5 Mr Knowles noted that the SRA relied on its guidance in relation to parallel proceedings. He submitted that the difficulty with that was that this would have an adverse impact on Mr Dixit, particularly in relation to costs. The effect of a costs order, whether enforced or delayed, would mean that he would be unable to secure funding for his criminal appeal. Although legal aid was usually granted should the single Judge grant permission, that was not necessarily automatic in this case due to past difficulties Mr Dixit had experienced with the Legal Aid Agency. The guidance on parallel proceedings was simply guidance. Mr Knowles submitted that if the Tribunal proceeded today then Mr Dixit’s ability to participate in the criminal appeal was impaired and this would amount to a breach of his Article 6(3) ECHR rights.
- 7.6 Mr Knowles told the Tribunal that the appeal against conviction had been lodged on behalf of Mr Dixit following the SRA’s position that the matters he raised should be put before the Court of Appeal and he queried the urgency of proceeding with the Tribunal matters at this time. Mr Dixit should have the opportunity to see if the conviction was unsafe. If it was then the SRA’s case against him would fall away.

Applicant’s Submissions

- 7.7 Mr Collis opposed the application. He referred the Tribunal to Rule 32(3) of the Solicitors (Disciplinary Proceedings) Rules 2019, which set out the procedure whereby Mr Dixit could apply to have any Tribunal findings set aside if the conviction was quashed subsequently.
- 7.8 Mr Collis reminded the Tribunal that Mr Dixit had been convicted on 21 November 2019 and had 28 days from that point to lodge an appeal. The possibility of an appeal had been raised by Mr Dixit as far back as 3 August 2020. It had also been raised at the Case Management Hearing on 9 August 2022. There had been no explanation why it had not been lodged until 9 December 2022.

- 7.9 On the question of the impact of a costs order on Mr Dixit's ability to raise funds for his appeal, Mr Collis submitted that the main impediment to that was probably his conviction for false accounting rather than any costs order the Tribunal might make.

The Tribunal's Decision

- 7.10 The Tribunal had regard to the Guidance Note to Rule 23 (Adjournments). The Tribunal noted the SRA guidance on parallel proceedings but found it of limited assistance given that it was relying on its own advice. This was a circular argument.
- 7.11 Mr Dixit had lodged an appeal two and a half years out of time, four months after it was raised at a hearing before the Tribunal and one working day before the substantive hearing. There was no obvious reason why it had been delayed for so long. There was no indication of fresh evidence or indeed anything new that had come to light recently or at all that would justify such a late appeal. If the Tribunal adjourned these proceedings to allow the appeal to conclude first, the minimum delay would be another three months.
- 7.12 Rule 32(3) of the SDPR stated as follows:
- “(3) Where the Tribunal has made a finding based solely upon the certificate of conviction for a criminal offence which is subsequently quashed the Tribunal may, on the application of the Law Society or the respondent to the application in respect of which the finding arose, revoke its finding and make such order as to costs as appear to be just in the circumstances.”
- 7.13 In the event that Mr Dixit's appeal was successful, there was a clear remedy open to him provided for in the Tribunal's rules.
- 7.14 On the point raised about the effect of a costs order, or a strike-off, the Tribunal agreed with Mr Collis' submission that a conviction for false accounting was likely to be far more damaging to Mr Dixit's creditworthiness. However much of what had been submitted by Mr Knowles was speculative and generic assertion. It was not known whether a costs order would be damaging to his ability to borrow and it was also not known whether or not he would be able to get Legal Aid if permission to appeal was granted.
- 7.15 There was a public interest in this matter being dealt with promptly. There was no good reason to adjourn the matter and so the Tribunal refused Mr Dixit's application to adjourn.
- 7.16 Following the Tribunal's decision in respect of Mr Dixit's application to adjourn, and its subsequent decisions in respect of Mr Siddique in which his application to adjourn was refused and the SRA's application to proceed in absence was granted, Mr Knowles informed the Tribunal that his instructions were limited to the application to adjourn, and that accordingly he would withdraw. The Tribunal then adjourned at 12:15 for an extended lunch break until 13:45 in order to allow Mr Dixit time to prepare for the commencement of the case in the afternoon. During that lunch break, Mr Dixit sent the following email to the Tribunal:

“Dear Sirs

I write further in this matter and after having considered the decision of the SDT Panel members refusing my application to adjourn, I confirm that I will not attend the substantive hearing later on today which is due to resume post lunch at 12:45hrs (sic). I request the panel to take into consideration my Rule 12 response along with the exhibits lodged, and the fact that I have a pending appeal against my conviction. In relation to the costs, I would submit that the panel considers an apportionment of costs relating to me, when considering the costs as these are now substantially higher since last year April 2021. I thank you for your consideration and request leniency when considering the sanctions.

Regards

Deepankar Dixit”

7.17 The Tribunal decided to proceed in the absence of Mr Dixit as it was satisfied that he had deliberately chosen not to exercise his right to be present or to give adequate instructions to enable lawyers to represent him.

8. Second Respondent’s renewed application to adjourn

8.1 Mr Siddique had applied for an adjournment in the week leading up to the substantive hearing. This had been refused by the Tribunal on Friday 9 December 2022. Mr Siddique had informed the Tribunal of his intention to seek a judicial review of that decision, on the basis that reasons had not been supplied for the refusal to adjourn. The Tribunal’s full reasons for the refusal had been sent out at 9.33am on the morning of the substantive hearing, Mr Siddique having been notified of the decision itself on 9 December 2022. The Tribunal considered it fair to give Mr Siddique an opportunity to make any further submissions he wished to, having read the full reasons for the refusal. The Tribunal therefore emailed Mr Siddique at 10.15am giving him until 11.15am should he wish to make any further such submissions.

8.2 Mr Siddique replied to that email at 10.54am in which he stated:

“I should never be expected to respond to reasons for refusal sent to me at such a late stage however I give you my initial position on the reasons which may I add may be amended during the course of the judicial review proceedings:-

I have never agreed with The SRA experts report. When it was served upon me I objected to it. Please see email. At the hearing which I attended against medical advice I took a passive role but confirmed I do not agree the report. Dr Wilkins [the expert instructed by the SRA] who has only had a one hour meeting with me without considering my medical notes. I do not know why they were redacted.

The SRA have not enquired why this was the case as I gave a clear authority to them for the release of my medical notes without any reservation. Similarly I gave Hutharts Solicitors an authority and they obtained my medical notes directly and these were not redacted therefore surely the fault lies with the SRA. They have had my authority around June 2022 and they could have easily obtained them. How can a report be relied upon with an expert who has only

spoken to me for one hour? I have maintained that an addendum report should be prepared by the SRA expert in writing on so many occasions but I have been ignored. The report of Dr Barrington [the expert instructed by Mr Siddique] has regard to my medical notes and these are referred to in the report. There is no mention of [redacted to remove specific reference to nature of ill-health] in the SRA experts report and neither does it state anywhere that I am suffering [redacted to remove specific reference to nature of ill-health]. I have been anxious of the SDT hearing and it has worsened my [redacted to remove specific reference to nature of ill-health] which Dr Barrington has stated and the reports are in no way similar.

I have tried to get an opinion from Dr Barrington to say whether I am currently fit to deal with the stresses of this 3 day hearing but unfortunately he is on leave but in any case his report details my medical history and should be preferred over the SRA's off the cuff report. I believe Dr Barrington would unequivocally state that I am unfit to proceed and has not done so as this was not the remit of the report. I give authority to all parties to seek an addendum if necessary I have been saying I am unwell to deal with this hearing and it is not to avoid these proceedings. I am genuinely unwell as confirmed by Dr Barrington. I feel as if I have been forced to make the judicial review application and I intend to proceed with this as I believe the SDT has shown bias against me. The SDT simply fail to consider what I have said. There (sic) lack of understanding is compounded by Mr Housego who has not even comprehended that Mr Dixit has lodged an appeal when numerous correspondence confirming this has been sent to the SDT.

Due to [redacted to remove specific reference to nature of ill-health] if the matter is not adjourned I will challenge any decision to proceed as it unlawful and impinges on my right to a fair trial and I believe it will be successful. I trust that the hearing will be adjourned as there is no prejudice in the delay and I have been made to wait by the SRA for over 4 years until all the criminal trials were concluded. I have not practiced since 2016 and have no intention to do so until my health improves. Due to [redacted to remove specific reference to nature of ill-health] I am unable to attend and I ask that if the matter proceeds and costs are awarded against me the SDT and the SRA have regard to my financial means.

Regards

Ayaz Siddique”

- 8.3 The Tribunal approached this email as a renewed application to adjourn. It considered the Guidance Note to Rule 23 (Adjournments). The Tribunal noted that there was nothing new contained in this email compared to the adjournment application that had previously been refused. Dr Wilkins had concluded that Mr Siddique was fit to attend. Dr Barrington had not stated that he was unfit to attend, a point accepted by Mr Siddique who had sought, but not obtained, clarification on that point. The focus of Dr Barrington's report did not appear to be these proceedings but rather to be on an unrelated civil claim. The Tribunal did not consider Dr Wilkins' report to be “off the cuff”. Dr Wilkins conclusions had been accepted by the Tribunal previously and there

was nothing contained in Mr Siddique's application or in Dr Barrington's report to change that view.

- 8.4 The Tribunal was therefore not satisfied that there was medical evidence to justify an adjournment. The fact that Mr Siddique supported Mr Dixit's application to adjourn was no longer relevant as that application had also been refused. The Tribunal therefore refused Mr Siddique's renewed application to adjourn.

9. Application to proceed in absence

- 9.1 Mr Collis invited the Tribunal to proceed in Mr Siddique's absence as he was not present and not represented. Mr Collis submitted that Mr Siddique was clearly aware of the hearing date as was clear from the correspondence. Mr Siddique had made no fewer than three previous unsuccessful applications to adjourn. Mr Collis referred the Tribunal to the medical evidence discussed above. He submitted that this did not provide good reason to adjourn and he invited the Tribunal to proceed.

The Tribunal's Decision

- 9.2 Mr Siddique was aware of the date of the hearing as evidenced by extensive correspondence, including during the morning of the hearing. SDPR Rule 36 was therefore engaged. The Tribunal had regard to the criteria for exercising the discretion to proceed in absence as set out in R v Hayward, Jones and Purvis [2001] QB 862, CA by Rose LJ at paragraph 22 (5) which states:

"In exercising that discretion, fairness to the defence is of prime importance but fairness to the prosecution must also be taken into account. The judge must have regard to all the circumstances of the case including, in particular:

- (i) the nature and circumstances of the defendant's behaviour in absenting himself from the trial or disrupting it, as the case may be and, in particular, whether his behaviour was deliberate, voluntary and such as plainly waived his right to appear;
- (ii) ...;
- (iii) the likely length of such an adjournment;
- (iv) whether the defendant, though absent, is, or wishes to be, legally represented at the trial or has, by his conduct, waived his right to representation;
- (v) ...;
- (vi) the extent of the disadvantage to the defendant in not being able to give his account of events, having regard to the nature of the evidence against him;
- (vii) ...;
- (viii) ...;
- (ix) the general public interest and the particular interest of victims and witnesses that a trial should take place within a reasonable time of the events to which it relates;
- (x) the effect of delay on the memories of witnesses;
- (xi) ...;"

- 9.3 In GMC v Adeogba [2016] EWCA Civ 162, Leveson P noted that in respect of regulatory proceedings there was a need for fairness to the regulator as well as a respondent. At [19] he stated:

“...It would run entirely counter to the protection, promotion and maintenance of the health and safety of the public if a practitioner could effectively frustrate the process and challenge a refusal to adjourn when that practitioner had deliberately failed to engage with the process. The consequential cost and delay to other cases is real. Where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed”.

- 9.4 Leveson P went on to state at [23] that discretion must be exercised *“having regard to all the circumstances of which the Panel is aware with fairness to the practitioner being a prime consideration but fairness to the GMC and the interests of the public also taken into account”*.
- 9.5 The Tribunal had considered whether to adjourn the matter and refused to do so for the reasons set out above. There was no evidence that had the adjournment been granted that Mr Siddique would have attended on any future date. Although Mr Siddique had engaged with the Tribunal and the SRA, he had done so principally in order to try to delay the proceedings rather than dealing with the Allegations in detail. The Allegations were serious in nature and public confidence required that they be heard expeditiously unless there was a good reason not to. No such reason was present in this case and the Tribunal therefore granted the application to proceed in absence. As with Mr Dixit, the Tribunal concluded that Mr Siddique had deliberately chosen not to exercise his right to be present or to give adequate instructions to enable lawyers to represent him.

Factual Background

10. Mr Dixit was admitted to the Roll of Solicitors on 1 July 2009. He was an assistant solicitor at Kingstons Solicitors (the Firm) from that date. On 24 July 2009, Mr Dixit became a manager and was the Firm’s COFA from 14 November 2012 until the Firm closed on 29 December 2016.
11. Mr Siddique was admitted to the Roll of Solicitors on 15 November 2001. He was the sole owner and a manager of the Firm. He was the Firm’s COLP from 14 November 2012 until the Firm closed on 29 December 2016.

Allegations 1.1 and 2.1

12. The SRA relied on the certificate of conviction from Newcastle Crown Court to prove the convictions of both Respondents for false accounting, which took place at the Firm between January 2014 and May 2016.
13. In the course of a Police investigation, it became clear that the accounting had not been done properly for a number of years, including prior to the fraud being perpetrated. It became evident that the office side of the firm’s accounts as against the client’s side were not being entered onto the firm’s normal accounting software. It also became evident that some work was not being entered on any accounts whatsoever.

14. Mr Dixit and Mr Siddique were charged with false accounting. Section 17(1) of the Theft Act 1968 states that:

“(1) Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another,—

(a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or

(b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular;

he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.”

15. Mr Dixit and Mr Siddique were both convicted following trial in the Crown Court. During the trial, it was established that in late 2013 and early 2014, there was a significant reduction in the work going through the accounts at the Firm in terms of the VAT returns occurring. A spreadsheet was recovered from Mr Dixit’s computer which showed that from February 2014 until November 2015, the Firm was doing a significant amount of fixed fee immigration work that was generally paid in cash and did not go through the Firm’s client or office account. There were no ledger accounts or files, client care letters or bills in respect of these matters. The amounts were not shown in the accounts of the Firm in any way. The Judge’s sentencing remarks indicated that the conduct continued after the period covered by the spreadsheet. The Judge described the spreadsheet as “hidden away in unallocated clusters on Mr Dixit’s computer” indicating an intention to hide evidence of what was taking place.
16. In his sentencing remarks, the Judge described Mr Dixit as “prime mover” in terms of keeping a spreadsheet and ensuring that the work did not go through the books, and Mr Siddique, as senior partner, receiving the largest share of the money, in charge of signing off the accounts and clearly “well aware of what was taking place”.
17. The fraudulent activity was conducted over a sustained period of time. It was established during the trial that the amount involved was at least £150,000, and the loss to HMRC of the order of £50,000. In his sentencing remarks, the Judge described the conduct as sophisticated and planned. The Judge stated that he was satisfied that both Respondents both undertook a leading role where the offending was part of a group activity and that they each had a high level of culpability.
18. Mr Dixit received a sentence of 2 years and 3 months imprisonment for false accounting. Mr Siddique also received a total sentence of 2 years and 3 months imprisonment, comprised of two years for false accounting and 3 months consecutive for perverting the course of justice, which is dealt with under Allegation 2.2.

Allegation 2.2

19. The SRA again relied on the certificate of conviction from Newcastle Crown Court in relation to this matter.

20. On 18 October 2016, Mr Dixit and Mr Siddique were served with a production order from Newcastle Crown Court in relation to the false accounting investigation. On 1 November 2016, the police received a letter in response from solicitors instructed by Mr Siddique stating as follows:

“The material that you have requested is no longer in the firm’s possession. It was held electronically on a laptop computer which was stolen during the course of a burglary at Mr Deepankar Dixit’s home address on 6 July 2016”.

21. The contents of that letter were found to be untrue. As a result, Mr Siddique was charged with perverting the course of justice and found guilty at the Crown Court. As noted above, he received a sentence of three months’ imprisonment for this offence.

Findings of Fact and Law

22. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent’s rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

23. **The allegation against the First Respondent was that:**

1.1 Between January 2014 and May 2016, he carried out false accounting contrary to Section 17(1) Theft Act 1968 and, in doing so, breached all or any of Principles 2 and 6 of the SRA Principles 2011 (the 2011 principles).

The allegations against the Second Respondent were that:

2.1 Between January 2014 and May 2016, he carried out false accounting contrary to Section 17(1) Theft Act 1968 and, in doing so, breached all or any of Principles 2 and 6 of the 2011 Principles.

2.2 On or around November 2016, he committed an act or series of acts with an intent to pervert the course of public justice contrary to the common law and, in doing so, breached all or any of Principles 1, 2 and 6 of the 2011 Principles.

Applicant’s Submissions

- 23.1 Mr Collis submitted that the convictions stood as conclusive proof of the underlying facts upon which they were based under Rule 32 of SDPR, unless exceptional circumstances applied. Initially, Mr Dixit had indicated that he may be seeking to advance exceptional circumstances, but his Counsel had been clear that he no longer did so. In any event he had not previously been specific as to the basis for such an argument or whether it was related to the convictions or the question of sanction.

- 23.2 Mr Collis told the Tribunal that although dishonesty had not been separately pleaded as an Allegation, it was part of the offence of false accounting and so it was not necessary to plead this separately.
- 23.3 Mr Collis submitted that both Respondents had lacked integrity by engaging in activity that involved falsely accounting for personal gain. Mr Dixit and Mr Siddique had accepted cash payments for work where no client ledger had been opened and no bill of costs had been raised. Under both the Respondents' management, client money was not deposited to the office bank account in accordance with the SRA Accounts Rules. The commission of a criminal offence was in itself an example of a lack of integrity and both Respondents and therefore breached Principle 2. This was clear from their conviction and the immediate term of imprisonment that was imposed
- 23.4 Mr Collis further submitted that Mr Dixit and Mr Siddique had breached Principle 6.
- 23.5 In the case of Mr Siddique, he had additionally breached Principle 1 by deliberately providing false information to the police in response to a Court order. This demonstrated a serious disregard towards the application of the law and criminal justice system.

First Respondent's Submissions

- 23.6 In his Answer, Mr Dixit had provided detailed information about his personal circumstances and that of his family. He also provided a chronology of the Police investigation and the criminal proceedings that culminated in his conviction. At paragraph 51, Mr Dixit expressed his view of the jury verdict as follows:

“51. I was found guilty by the Jury of False Accounting, the conviction itself cannot be denied as at present it stands. However, the factual basis for sentence was wrong in principle and law, regardless, I was handed a custodial sentence of 2 year 3 months on an estimated [sic]. HHJ Batiste did not take into account the expert Mr Andy Maxfields report which is attached as the tax position remains the same as it was on or before 19 December 2019.”

- 23.7 Mr Dixit's Answer continued by setting out the basis for his disagreement with the verdict reached and the way the trial proceeded. The full details are not recorded here as Mr Knowles had told the Tribunal that exceptional circumstances were not relied upon in these proceedings, either in relation to liability or sanction.

- 23.8 At paragraph 76 Mr Dixit stated as follows:

“76. Finally, I am aware that the SDT cannot overturn the jury verdict or go behind the conviction, I am also aware that the Tribunal is very likely to adopt the 'normal and necessary penalty" of strike off, save in exceptional circumstances. I feel that I have been let down by my legal team and I have suffered a massive injustice and I believe that exceptional circumstances are applicable in my case. I have had my liberty taken away from me and now I stand to lose the job I have worked so hard to achieve and which I have enjoyed for a conviction which I believe is flawed and I ask that you look past my conviction into the details which I have pointed out and deal with me with as

much leniency as possible and allowing me to continue in this respectful profession with condition if necessary.”

- 23.9 Since the filing of this Answer on 11 February 2021, Mr Dixit no longer relied on exceptional circumstances and had now lodged an application for leave to appeal against his conviction.

Second Respondent’s Submissions

- 23.10 Mr Siddique had not submitted an Answer. At previous Case Management Hearings he had made clear his position that he felt he had done nothing wrong. He considered that he should never have been charged, let alone convicted and he would wish to seek to overturn the conviction, though he had not lodged an appeal.
- 23.11 Mr Siddique had raised a number of health issues in correspondence with the Tribunal. The focus of those representations related to applications to adjourn, discussed above. Mr Siddique had allied himself with Mr Dixit’s previous position in relation to exceptional circumstances but had not advanced any of his own.

The Tribunal’s Findings

- 23.12 Rule 32 of the SDPR stated as follows:

“32.—(1) A conviction for a criminal offence in the United Kingdom may be proved by the production of a certified copy of the certificate of conviction relating to the offence and proof of a conviction will constitute evidence that the person in question was guilty of the offence. The findings of fact upon which that conviction was based will be admissible as conclusive proof of those facts save in exceptional circumstances.”

- 23.13 The entirety of the SRA’s case against Mr Dixit and Mr Siddique were the criminal convictions. Mr Dixit no longer advanced exceptional circumstances and there was nothing contained in the papers that suggested to the Tribunal that any such circumstances existed. Mr Siddique had agreed with Mr Dixit’s previous position but had not advanced any exceptional circumstances on his own account and, again, the Tribunal found none on the evidence. The Tribunal therefore found the factual basis of all the Allegations proved.

- 23.14 In relation to the breaches of the Principles, the following remarks made by the Judge when passing sentence were of particular relevance:

“The public expect and are entitled to expect the highest standards of probity and honesty from those who work as solicitors and lawyers more generally. As such, when people are caught behaving in such a blatantly dishonest way as you have, a sentence to reassure the public and to deter others must follow. In short, your behaviour brought disrepute on the profession and has the capacity to devalue the standing of the solicitors’ profession.”

“It is argued by the prosecution that the culpability is increased by an abuse of position of power or trust or responsibility. I do not accept that as an aggravating

feature in this case. Whilst, of course, a solicitor does have a high degree of trust and responsibility, if the money, B or example, was being taken from the client account or if clients were being overcharged or if the work was not being done properly, that may be an appropriate label but in this case none of those do apply and so I take the view this cannot be said to be an abuse of position case.

There is, however, some sophistication and planning in what took place. Whilst there are more sophisticated frauds, I readily accept, there was a sophisticated nature of what was taking place. It was being carefully hidden and the profits were being carefully split between the parties and the fraudulent activity was conducted over a sustained period of time from the period of February 2014 onwards, and as a result I am clearly satisfied this case falls within the high culpability bracket.”

23.15 The Tribunal was entirely satisfied that both Mr Dixit and Mr Siddique had breached Principles 2 and 6 and that additionally Mr Siddique had breached Principle 1.

23.16 The Tribunal therefore found all the Allegations proved in full.

Previous Disciplinary Matters

24. There were no previous findings in respect of either Respondent at the Tribunal.

Mitigation

25. There was no formal mitigation advanced. Mr Dixit had invited the Tribunal to consider his Answer, which it had done, and to be lenient. Mr Siddique had relied on medical evidence when applying to adjourn. The Tribunal had regard to Mr Siddique’s health issues when considering sanction, as had the Judge at the Crown Court.

26. Mr Dixit had stated that Mr Siddique had a director’s loan account which meant that he could draw the money without there being a tax liability in respect of that money. He said that as he had done all the work Mr Dixit had allowed him to be paid instead of the firm. He said that he had not reached the vat threshold for his own work.

27. The Tribunal did not consider these submissions sustainable. They did not deal with income tax due by Mr Dixit on such earnings. They did not deal with the issue of who was instructed. Nor was the income declared for the purposes of professional indemnity insurance. They did not account for the complete absence of any record of the work carried out, other than the concealed spreadsheet.

Sanction

28. The Tribunal referred to its Guidance Note on Sanctions (10th Edition – June 2022) when considering sanction.

29. Mr Dixit and Mr Siddique had been convicted of the serious offence of false accounting. Mr Siddique had further been convicted of perverting the course of justice. In both cases, these were offences committed in their work as solicitors. The Tribunal noted that each of them was in a senior role in the Firm and had specific duties to ensure

compliance. The departure from their respective obligations was therefore significant and serious. The culpability of both Respondents was high. The harm caused was also high, not only financially but also in relation to the reputation of the profession. The convictions were as serious as it could get in terms of financial impropriety. Mr Dixit and Mr Siddique were entirely responsible for this conduct, which had continued for a significant period of time. The Tribunal noted that they had tried to blame others and come up with excuses rather than accepting responsibility. Mr Siddique had compounded matters by perverting the course of justice, which was also a very serious offence and did immense harm to the reputation of the profession.

30. The offences of false accounting expressly included a requirement for the prosecution to prove, beyond reasonable doubt, that the actions were dishonest. Coulson J in Solicitors Regulation Authority v Sharma [2010] EWHC 2022 Admin observed:

“34. there is harm to the public every time a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be “trusted to the ends of the earth”.”

31. The Tribunal noted that the usual sanction where misconduct included dishonesty would be a strike-off and the Tribunal had regard to Sharma. The circumstances in which such a sanction was not imposed were exceptional, described in Sharma as “a small residual category where striking off will be a disproportionate sentence in all the circumstances ...”. As noted above, such circumstances were no longer advanced and the Tribunal was unable to identify any on the evidence in respect of either Mr Dixit or Mr Siddique.

32. In Solicitors Regulation Authority v James [2018] EWHC 3058 (Admin) at [101], Flaux LJ set out the basis of which question of exceptional circumstances was assessed:

“First, although it is well-established that what may amount to exceptional circumstances is in no sense prescribed and depends upon the various factors and circumstances of each individual case, it is clear from the decisions in Sharma, Imran and Shaw, that the most significant factor carrying most weight and which must therefore be the primary focus in the evaluation is the nature and extent of the dishonesty, in other words the exceptional circumstances must relate in some way to the dishonesty. This point was made very clearly by Dove J at [29] of Imran, where he said:

“...in my view it is not possible when assessing exceptional circumstances simply to pick off the individual features of the case. It is necessary, as the tribunal did, to record and stand back from all of those many factors, putting first and foremost in the assessment of whether or not there are exceptional circumstances the particular conclusions that had been reached about the act of dishonesty itself. The fact that many solicitors may be able to produce testimonials and may immediately confess the dishonest behaviour is certainly relevant to the determination of whether or not it is an exceptional case, but is not a factor that is likely to attract very substantial weight. Of far greater weight would be the extent of the dishonesty and the impact of that dishonesty both on the character of the particular solicitor concerned

but, most importantly, on the wider reputation of the profession and how it impinges on the public's perception of the profession as a whole.”

33. The misconduct was so serious that a Reprimand, Fine or Restriction Order would not be a sufficient sanction to protect the public or the reputation of the profession from future harm by Mr Dixit or Mr Siddique. The misconduct was at the highest level and the only appropriate sanction was a strike-off in both cases.

Costs

34. Mr Collis applied for the Applicant’s costs. The total costs were £22,950. Mr Collis invited the Tribunal to apportion those costs equally between Mr Dixit and Mr Siddique, equating to £11,475 for each of them.
35. Mr Collis told the Tribunal that the notional hourly rate, bearing in mind that Capsticks costs were contained within a fixed fee, was £111.45. This took account of the fact that the hearing had lasted for one day instead of three.
36. Mr Collis noted that there had been a large amount of correspondence in this case and several Case Management Hearings had been required due to the manner in which both Respondents had conducted their case. Mr Siddique had made multiple applications to adjourn.
37. Mr Collis also noted that very little information had been provided by either Mr Dixit or Mr Siddique as to their means. What had been said about their means did not comply with Rule 43(5) of the SDPR which required a statement and documentary evidence to be provided.

First Respondent’s Submissions

38. Mr Dixit had not submitted a statement of means. In his email to the Tribunal referred to above, he had invited it to consider the question of apportionment.

Second Respondent’s Submissions

39. Mr Siddique had also not submitted a statement of means. In his email to the Tribunal dated 12 December 2022 at 9.26am he had stated:

“I have already provided you evidence that I am receiving disability benefit in the sum of £247.00 per month. I have no assets or savings as they were usurped by the insolvency service and the proceeds of crime and I am having to rely on family financially therefore any costs order made should have regard to this.”

40. This appeared to be a refence of a screenshot from an online bank account statement, showing a payment from the DWP of £247.40 made on 25 November 2022 and 28 October 2022.

The Tribunal's Decision

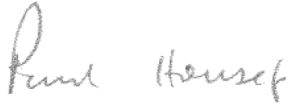
41. The Tribunal considered the cost schedule presented to it and was satisfied that the level of costs claimed by the SRA was reasonable and proportionate in the circumstances of the case.
42. The Tribunal considered the question of apportionment. The Tribunal noted that each of the Respondents had run up costs unnecessarily. Mr Dixit had repeatedly floated a possible defence of exceptional circumstances but had never been specific and ultimately had withdrawn the submission. Mr Siddique had repeatedly made meritless applications to adjourn. In doing so they had each introduced an element of complexity into a case that was otherwise straightforward. In relation to culpability, while each Respondent had distinct roles in the matters giving rise to the conviction, the overall level of culpability was equal. The Tribunal considered that the reasonable and proportionate approach was therefore that they bear an equal share of the costs.
43. In considering the question of means, the Tribunal noted that despite several Case Management Hearings and extensive correspondence with the Tribunal and the SRA, neither Respondent had complied with the Standard Directions in relation to means, which stated as follows:
- “6 If at the substantive hearing the Respondents wish their means to be taken into consideration by the Tribunal in relation to possible sanctions and/or costs, they shall, in accordance with Rule 43(5) SDPR by no later than 4.30 p.m. on Thursday 25 March 2021 [subsequently varied to 31 October 2022] file at the Tribunal and serve on every other party a Statement of Means including full details of assets (including, but not limited to, property)/income/outgoings supported by documentary evidence. Any failure to comply with this requirement may result in the Tribunal drawing such inference as it considers appropriate, and the Tribunal will be entitled to determine the sanction and/or costs without regard to the Respondents' means. A failure to comply may also cause the consideration of the Respondents' means to be adjourned by the Tribunal to a later date which may result in an increase in costs.”
44. There was therefore no basis to reduce the costs on account of means as the Tribunal did not have the full picture of Mr Dixit or Mr Siddique's means. There was no statement of truth attached to any of the submissions on means that had been made.
45. The Tribunal therefore ordered that Mr Dixit and Mr Siddique each paid costs in the sum of £11,475.

Statement of Full Order

47. The Tribunal Ordered that the Respondent, DEEPANKAR DIXIT, 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 £11,475.00.
48. The Tribunal Ordered that the Respondent, AYAZ SIDDIQUE, 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 £11,475.00.

Dated this 9th day of January 2023
On behalf of the Tribunal

JUDGMENT FILED WITH THE LAW SOCIETY
09 JAN 2023

A handwritten signature in blue ink that reads "Paul Housego". The signature is written in a cursive style with a large initial 'P'.

P S L Housego
Chair