

IN THE MATTER OF GURMIT SINGH RANDHAWA, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. R B Bamford (in the Chair)  
Mr. J W Roome  
Mrs. C Pickering

Date Of Hearing: 12th December 1997

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## FINDINGS

of the Solicitors' Disciplinary Tribunal  
constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Office for the Supervision of Solicitors by Peter Harland Cadman solicitor of 2 Putney Hill, Putney, London SW15 on the 12th February 1997 that Gurmit Singh Randhawa of Fisher McCarthy Randhawa, Victoria House, 93-95 Tudor Street, Riverside, Cardiff CF1 8SS solicitor might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegations were that the respondent had been guilty of conduct unbefitting a solicitor in each of the following particulars namely that he had:-

- (a) been convicted of an offence of dishonesty in the course of his practice as a solicitor;
- (b) behaved in a manner which was unbefitting a solicitor of the Supreme Court.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 12th December 1997 when Peter Harland Cadman solicitor and partner in the firm of Messrs Russell Cooke Potter & Chapman of 2 Putney Hill, Putney, London SW15 6AB appeared for the applicant and the respondent did not appear and was not represented.

In correspondence with the Tribunal's office the respondent sought an adjournment of the hearing. His application for leave to appeal against his criminal convictions had been refused and the respondent said that he had to prepare his case before the Tribunal by way of mitigation. The basis of his mitigation was that notwithstanding the convictions he was completely innocent and he would like to put before the Tribunal everything on record that he could possibly think of and was hoping to be represented by Mr Alun Jones of Queens Counsel who had advised him. The letter of application, which was dated the 4th December 1997, was supported by a letter from Alun Jones QC dated the 2nd December 1997.

The applicant resisted the application for adjournment. The respondent had been convicted and his appeal against such conviction had been rejected.

The Tribunal decided that it was right that the matter should proceed to the substantive hearing.

The evidence before the Tribunal included a Certificate of Conviction.

At the conclusion of the hearing the Tribunal ordered that the respondent Gurmit Singh Randhawa of Fisher McCarthy Randhawa, Victoria Street, 93/95 Tudor Street, Riverside, Cardiff CF1 solicitor be Struck Off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £959.09p.

The facts are set out in paragraphs 1 and 2 hereunder:-

1. The respondent, born in 1952 was admitted as a solicitor in 1985. At the material times he carried on practice in partnership under the style of Fisher McCarthy Randhawa.
2. On the 6th January 1997 the respondent appeared before Cardiff Crown Court and was convicted upon indictment of three counts of conspiracy to defraud contrary to common law and one count of theft contrary to section 1(i) of the Theft Act 1968. He was sentenced to three months imprisonment suspended for two years to be fined £6,000 and in default to serve six months in respect of count one, four months imprisonment suspended for two years concurrent to be fined £6,000 and in default to serve a term of six months imprisonment concurrent on the second count. On the third count he was sentenced to six months imprisonment suspended for two years concurrent and to be fined the sum of £8,000 and in default to serve a term of six months imprisonment concurrent. On the fourth count he was to serve three months imprisonment consecutively suspended for two years.

### **The Submissions of the Applicant**

3. The respondent had been convicted of four criminal offences involving dishonesty. The Tribunal was invited to consider the sentencing remarks of His Honour Judge David Morris in the Crown Court at Newport, Gwent handed down on the 6th January 1997 when he said that the respondent had been involved in conspiring with others to defraud lending institutions with regard to advances of money by them to one or other of the co-conspirators for the mortgage or re-mortgage respectively of dwelling house

properties. The respondent's role in each of those conspiracies was to act as the solicitor in the transaction nominated by the applicant for the advance and he was also instructed by the building society or bank. He was required by the lender to report upon each property and transaction. They put their trust in the respondent to do so conscientiously and honestly. By the jury's verdicts it was plain that the respondent did not discharge that duty conscientiously or honestly. The Learned Judge went on to say that the respondent had turned a blind eye to what he knew had been blatant misrepresentation, omissions and other pieces of deceit so that the mortgage applications were approved by the lenders upon a false basis and monies were advanced which the respondent knew from his own experience would not have been advanced if the lender had known the true facts.

4. The Learned Judge went on to say that the respondent deliberately committed breaches out of a desire to retain clients and extend his personal influence in his locality as a solicitor who was prepared to cut corners in order to achieve results. Such conduct struck at the very root of civilised honest commercial practice.
5. His Honour Judge Morris went on to say that the respondent had also been convicted of the most serious form of dishonesty a solicitor can perpetuate namely stealing monies from his client account. Again his conviction of that offence involved a serious breach of trust and was a blatant offence.
6. The Learned Judge further said that the offences were so serious as to "cross the custody threshold." The Learned Judge considered that the long passage of time between the committing of the offences and the outcome of the criminal trial amounted to exceptional circumstances which enabled him to suspend the custodial sentences imposed upon the respondent.

### **The Findings of the Tribunal**

The Tribunal FOUND the allegations to have been substantiated. It was clear that the good reputation of the solicitors' profession was severely damaged by a solicitor convicted of criminal offences involving dishonesty on his part committed during the course of his practice as a solicitor involving dishonesty on his part. That could not be tolerated. The Tribunal Ordered that the respondent be Struck Off of the Roll of Solicitors and further ordered him to pay the costs of and incidental to the application and enquiry in a fixed sum.

DATED this 9th day of February 1998

on behalf of the Tribunal



R B Bamford  
Chairman

