

IN THE MATTER OF SUNIL MEHRA, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr N Pearson (in the chair)
Mr W M Hartley
Mrs C Pickering

Date of Hearing: 17th November 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was made on behalf of the Solicitors Regulation Authority (“SRA”) by Paul Robert Milton a solicitor employed by the Law Society at the SRA, 8 Dormer Place, Leamington Spa, Warwickshire, CV34 5QE that Mr Sunil Mehra, a solicitor, 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 allegation was that the Respondent had been guilty of conduct unbefitting a solicitor by virtue of his conviction for conspiracy to obtain money transfers by deception contrary to Section 1.1 of the Criminal Law Act 1977.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 17th November 2009 when Paul Robert Milton appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a notice published in The Law Society Gazette, which was handed up at the hearing, in accordance with the Tribunal’s earlier directions for substituted service. The Tribunal deemed the proceedings to have been served upon the Respondent and proceeded to the substantive hearing.

At the conclusion of the hearing the Tribunal made the following Order:-

The Tribunal Orders that the Respondent, Sunil Mehra, 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 £855.00.

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

1. The Respondent, born in 1970, was admitted as a solicitor in 1996. His name remained on the Roll of Solicitors. He did not hold a current practising certificate. At the material times the Respondent practised on his own account as Mehra & Co at 367 High Road, Wembley, Middlesex HA9 6AA.
2. On 27th September 2006 the Respondent was upon his own confession convicted at the Crown Court at Kingston upon indictment of conspiracy to obtain money transfers by deception contrary to Section 1.1 of the Criminal Law Act 1977. The offence consisted of the submission of claims to the Legal Services Commission of fraudulent claims on behalf of ZM Interpreters for interpreting services to Legal Aid clients, thereby obtaining £24,386. The Respondent conspired with Naveen Sagar in the submission of such claims. On 7th December 2006 he was sentenced to 52 weeks imprisonment suspended for two years and ordered to pay compensation of £12,193.00.

The Submissions of the Applicant

3. The Applicant did not have an address for the Respondent who was understood to have left the country. Substituted service had been achieved.
4. The Respondent had been convicted of a serious crime involving dishonesty.
5. The Tribunal was invited to take account of the Learned Judge's sentencing remarks in the Crown Court at Kingston Upon Thames in particular when he said:-

“I take into account, of course, that you have also destroyed your career; you have destroyed everything you have worked for. You will never be able to be a solicitor. People even on lesser charges the Law Society does not readmit. I would be very surprised if they ever readmitted you with a conviction like this. So you have thrown that all away, your good character, of course, in addition to that. You have no doubt plunged your family into financial problems, and yourself, but more particularly your children and your wife, who I understand, of course, are standing by you, as one would hope and expect.

In particular, of course, I give you credit for your pleading guilty to this. The thing I am really conscious of and I think there is a slight example of it today, the interest shown in you by co-defendants and that interest is backed with money, firearms and goodness knows what else.”

“... I think, essentially, you were an honest person who was overcome with greed, I would think, probably, and obviously quite a persuasive person at the back of it, i.e. Mr Sagar.”

The Findings of the Tribunal

6. The Tribunal found the allegation to have been substantiated. The Tribunal recognised that the Respondent has been convicted of a serious criminal offence. It has taken into account the whole of the sentencing remarks of the Learned Judge in the Kingston Upon Thames Crown Court in particular the mitigating circumstances which he took into account. However the Tribunal takes the view that not only is it wholly unacceptable for a solicitor to be convicted of a serious offence involving dishonesty, but the seriousness is aggravated by the fact that the dishonesty was undertaken during the course of his practice as a solicitor and consisted of fraudulent claims made upon the Legal Aid Fund, public monies made available to those who are unable to afford representation. The Tribunal notes that the Respondent appears to have left the country. The Tribunal considers that it is both appropriate and proportionate to order that the Respondent be struck off the Roll of Solicitors.
7. The Applicant sought the costs of and incidental to the application and enquiry. The Tribunal has before it no indication of the Respondent's means. It considers the Applicant's costs to be entirely reasonable and it is right that the Respondent should bear such costs. The Tribunal therefore orders the Respondent to pay the Applicant's costs in the fixed sum sought.

Dated this 15th day of February 2010

On behalf of the Tribunal

N Pearson
Chairman