

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Case No: QB-2022-001418

Neutral Citation Number: [2024] EWHC 3678 (KB)

Courtroom No. 11

Royal Courts of Justice
Strand
London
WC2A 2LL

Wednesday, 27th November 2024

Before:
THE HONOURABLE MRS JUSTICE COLLINS RICE

TESCO STORES LIMITED

-v-

SHAHEEN MAJEED MOURADI

MR A PULFORD (instructed Keoghs LLP) appeared on behalf of the CLAIMANT
MR J TAYLOR (instructed by Hodge, Jones & Allen) appeared on behalf of the DEFENDANT

SENTENCE

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SENTENCE

MRS JUSTICE COLLINS RICE:

1. Mr Mouradi, would you identify yourself, please? Thank you. Please have a seat for the moment.

Well, Mr Mouradi, it is my duty to sentence you today for contempt of court.

Background

2. The background to your contempts is set out in full in the judgment I handed down in June of this year. In brief, you got yourself mixed up in what can only be described as organised crime.

A gang of scammers were bribing a handful of Tesco supermarket van drivers to stage fake road traffic collisions, and then offering, for a substantial fee, to arrange for individual dishonest car owners to get involved in those staged collisions, so they could then make dishonest compensation claims. That sort of organised crime is a serious blight on our society. It hurts everyone, by driving up prices in supermarkets and car insurance premiums. It makes the cost of modern living higher than it should be.

3. You got involved in making one of these false claims in 2019. But this is not why you are here today. You are here today not because you made a false and dishonest compensation claim, but because of a sustained course of dishonesty and deception in the Courts afterwards.

Facts

4. I start by reminding you of what you have already admitted about your dishonesty and deception.

5. You admit that you instructed a third party to attend a court hearing in December 2020 and lie to the Court on your behalf. We are calling him “Abdul” in these proceedings, because we have never satisfactorily got to the bottom of who he was, a matter with which it might have been expected that you would have been able to assist. This hearing was one in which you were facing the prospect of the disintegration of your fraudulent claim, and of facing, yourself, a claim from Tesco arising out of your own dishonest compensation claim. You admit that you instructed Abdul to attend and tell the Court that you knew nothing about the staged collision and that you did not instruct solicitors Bond Turner to bring your claim. These were lies which Abdul told the Court on your instruction. Your story was that Bond Turner, a reputable firm of solicitors, must, itself, have been dishonestly participating in the collision fraud and trying to blame you, an innocent and bewildered victim. But the opposite was, of course, true.

- A 6. You made matters worse by swearing a written witness statement a fortnight later, which contained a statement of truth you knew to be false, saying you had never instructed Bond Turner, you were not involved in any way in the claim, and the first you had heard of it was after the event when the claim was taken forward in your name. None of that was true, as you knew at the time, and as you have since admitted.
- B 7. To make matters very much worse, it subsequently came to light that Abdul had not only given your false account to the Court, but had deceptively impersonated you in doing so, under cover of remote hearing arrangements in which he had maintained he was unable to transmit video images to the Court. Then, when a further in-person court hearing was directed in order to get to the bottom of what had been going on – the Court’s suspicions having been aroused at the time – both you and Abdul lied under oath in court when you both said it was you and not Abdul who had spoken in and addressed the Court.
- C 8. The judge had administered a careful warning about the seriousness of the oath you took on that occasion, which included an explanation of your right to silence and not to incriminate yourself, but you went ahead and lied anyway. All of this you have admitted.
- D 9. But it was still not the whole truth. Your new version of events was that while you *did* know about the dishonest claim, and you *had* instructed Bond Turner who had accepted your instruction in good faith, you had no knowledge of or complicity in the staged collision itself and came to hear of that only after the event; and, while it was true that Abdul had impersonated you on the remote line to court, again, you said that came as a complete surprise to you after the event. That is what you swore to in a witness statement to court in July 2022 and what you swore to again in these very contempt proceedings themselves in April 2024.
- E 10. But now we know that these were just more untruths, because when Tesco brought these contempt proceedings, we had a trial and looked at all the evidence. I was satisfied to the criminal standard – that is, beyond reasonable doubt – that not only did you collaborate with your former friend Mr Tawfeek to at least some extent over the commissioning and planning of the staged collision, you also collaborated with Abdul over his imposture to the Court before, during and after it.
- F 11. So the facts on which you are being sentenced today relate to a sustained course of lying on oath to the Courts, in your pleadings, witness statements and oral evidence. Because both versions of your story – your original story trying to blame Bond Turner which you then repudiated, and your revised version in which you said your former friends had implicated you after the event, and Abdul had impersonated you without your knowledge or consent – were knowingly untrue.
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A The impersonation was itself a flagrant and sustained deception of the Court, even without the subsequent lies about it on oath.

Legal framework

B 12. There is no dispute today about the legal rules I have to apply to these facts. I have reminded myself of my statutory sentencing powers. I can pass a sentence of imprisonment of up to two years, which may be immediate or suspended. I can impose a fine. I do not have powers to impose a community sentence.

C 13. I have also reminded myself of the guidance in the decided case law. I have read again the key sections of the judgment of the Court of Appeal in *Liverpool Victoria Insurance Company Limited v Zafar* [2019] EWCA Civ 392 at [58]-[72]. I have also looked again at the pithy summary set out in the earlier High Court decision in *Crystal Mews Limited v Metterick & Others* [2006] EWHC 3087 (Ch) at [13].

D **Approach**

E 14. I start by saying that I am going to work out what is the right sentence by considering your course of conduct as a whole. Tesco is asking me to consider separately: first the partially admitted contempts relating to the imposture and the lies told in the County Court, and second the contempts relating to the lies told in the contempt proceedings themselves. I agree that lying on oath in contempt proceedings represents a significant escalation in the course of conduct in question. But on the facts of this case in my view it would be fairer and more accurate to stand back and look at the course of conduct as a whole, and all its interlinked components, in order to consider it in totality. I remind myself that this is a course of conduct spanning some four years.

F 15. When I do that, something of a pattern seems to emerge. Issuing a false compensation claim in the first place indicated a lack of honesty and a lack of respect for court proceedings. When Tesco's suspicions were aroused, you tried to hide your wrongdoing by telling lies on oath, protesting that you knew nothing, and others must be to blame – memorably solicitors Bond
G Turner in the first place. When suspicions were then aroused about *that* story, you did the same thing – lying on oath with a new story, protesting your lack of knowledge and trying to blame others, this time including Abdul. And when *that* account was itself challenged in contempt proceedings, you did the same again. You doubled down and got deeper and deeper into untruth.

H (a) *Culpability*

16. So, in order to orientate myself within the range of sentences available to me, I start with the question of the culpability of this course of conduct. The authorities which bind me are very

A clear about this. The deliberate or reckless making of a false statement in a document verified
by a statement of truth will usually be so inherently serious that nothing other than a committal
to prison will be a proportionate response. That is because this form of contempt strikes at the
root of the administration of justice, and therefore at our constitution and the proper ordering of
B our public life.

17. In this case we have not only the context or background of a fraudulent claim, we have a persistent
and escalating course of conduct to try and conceal that wrongdoing, and which amply merits the
label of contemptuousness. From the moment Tesco first brought its suspicions before a Court,
seeking truth and justice, you resorted without apparent hesitation to a strategy of trying to hide
C the truth, deceive the Courts and obstruct justice. And when your strategy was challenged you
simply did more of it.

18. You were entitled to use the Courts yourself to defend yourself and put Tesco to proof of all its
suspicions. But you were not entitled to subvert the court process in the way you did. That was
D something going far beyond the original dispute between you and Tesco. It was an attack on the
way disputes like that are, and must be, properly settled. It was an attack on justice itself.

19. This is a course of conduct of high culpability, sustained over a protracted period of time,
progressively aggravated by compounding each deceit of the Court with further and escalating
deceit. Particularly egregious and serious were the episodes of collusive impersonation and of
E lying on oath in the witness box after a self-incrimination warning was administered – both
constituting flagrant contempts in the face of the Court. That, and the making of a false witness
statement in contempt of proceedings themselves, mean that the high culpability or
blameworthiness of this course of conduct is flagrant and self-evident, and I reject any
F proposition that it can have been anything otherwise than obviously so to you.

(b) Harm

20. I turn then to the question of harm. The strategy of telling untruths and blaming others was
plainly harmful to Bond Turner, whom you attempted dishonestly to impugn before a Court as a
G party to organised fraud. It has wasted a huge amount of Tesco's time and money in bringing it
to light – something that comes back to all its customers as a cost of living overhead.

21. And it has, quite outrageously, wasted the scarce and expensive public resource of Court time,
as hearing after hearing has been necessitated and misused as your course of conduct was
persisted in and escalated. That is time which has not been available to deliver speedy justice to
H honest and needful litigants, and a quite improper drain on the public purse.

(c) Mitigations

- A 22. I have listened carefully and looked hard to see how much weight can be put on the other side of the balance in your favour.
- B 23. I do have regard to, and I am going to give significant weight in your favour to, both your clean record, your testimonials, and particularly, your relative youth. To a degree, I can see that there was naivety in your expectation that you could beat the legal system without being found out, and that you may have got caught in a web of your own lies. Your lies about Bond Turner and Abdul were – while offensive, certainly harmful, and wasteful of Court time to have to deal with – seen now in the cold light of day, flimsy and implausible.
- C 24. Next, perhaps at the beginning you were led or bullied to some degree by your former friends, including Mr Tawfeek. I accepted Ms Nusseibei’s evidence to that effect. I found her a straightforward witness at trial. But against that, I have to set the sheer determination, persistence and flagrancy of your deceit, including long after you had ceased to consort with your former friends. That speaks of a significant degree of personal choice, strategy and investment by you on any basis. You cannot have been in any doubt about how wrong your conduct was. You had repeated opportunities to stop, make a clean breast of things and limit the damage. But at each opportunity, you chose to get further into wrongdoing.
- D 25. I have looked at the medical evidence before me. I can see that you told your expert witness, instructed for the purpose of these proceedings, that you had past problems with substance abuse and problems at the time of the original fraud with your mental health. But I can see from her report that you did not give her a full and honest account of your course of conduct at the time. That, the fact that this is not an up-to-date report, and the fact that it does not focus squarely on the course of conduct comprising the contempt with which I am now concerned, must limit the weight I can put on it. I have little, if any, other medical evidence.
- E 26. I have thought about the limited admissions of contempt you made in your witness statement in July 2022. The difficulty with giving you credit for these is that, seen in the context of your course of conduct as a whole, they were very partial and essentially a pivot to a new false story and a refreshed attempt to deceive the Court more plausibly. They have not shortened these proceedings. They were not indicative of remorse. Quite the opposite.
- F 27. I have also thought about the issue of delay. These contempt proceedings have been protracted. But that is significantly attributable to your persistence in the attempted deception of the Court with which these proceedings have had to be concerned.
- G 28. And while I entirely understand what has been said on your behalf about your fear and dread of the prospect now before you, and your dismay at the consequences of having been discovered in
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A and held to account for your course of conduct, it is hard to discern in that account true remorse. Remorse consists of insight into the profound wrongness of what you have done, and the repentance and restoration that goes with that. It is something very different from regret that
B your plan did not work in the end, and for the consequences now for you and your family. A statement of remorse, and a full and sincere apology to the Court, might have made a difference to this hearing at its outcome. But none has been offered.

29. I have listened with particular attention to what has been said to me about the situation of your
C immediate family, and your own care for them. I do not have independent up-to-date factual evidence about the situation of your parents, the detail of your caring responsibilities or their dependence on you alone. I understand you have siblings and wider family, at least one of whom has been undertaking caring responsibilities recently. I have been given no explanation for why, if more evidence exists or could be provided, I do not have it. I have therefore been given very little to work with here, but I make such allowance as I can.

D **Conclusions and Sentence**

30. The seriousness of the course of conduct comprising the contempts for which I must pass sentence today places it substantially above the custody threshold, as is realistically advised and accepted by your counsel.

E 31. Had it not been for your clean record and in particular your youth, and such other weight as I can properly give to the mitigations put forward on your behalf, I would have imposed a higher sentence on you than I am about to do, and one closer to the maximum for which I am empowered and for which Tesco has asked.

F 32. Mr Mouradi, will you stand please? The minimum sentence I am able to pass on you, commensurate with the seriousness of the course of conduct comprising the contempt of court for which you appear today, and in order to restore public confidence in justice and deter others from following your shocking example, is a period of imprisonment of 15 months.

G 33. I have considered whether I can suspend that sentence. I cannot justify doing so in order to secure your future compliance with existing court orders, as that is not in issue here on the facts, nor by way of mitigation of the proportionate punishment otherwise due, since I have already factored in mitigation so far as I can on the materials before me. I do not have sufficient evidence on the materials before me today to justify suspension on the basis that you have caring responsibilities
H or of the harmful impact on others, such as to make an immediate sentence of imprisonment disproportionate in all the circumstances. So, I am imposing on you a sentence of 15 months' immediate imprisonment.

- A 34. I am not going to impose any fine or further measures on you. The sentence of imprisonment is sufficient punishment.
35. You can expect to be released after serving half your sentence. Your lawyer will advise you as to the possibilities of applying to court sooner than that to purge your contempt.
- B 36. Mr Mouradi, please go now with the court official to begin your sentence.

Court rises.

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Transcript from a recording by Acolad UK Ltd
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

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