

## Narita Bahra QC

"Excellent advocate whether addressing jury on the facts or presenting legal arguments to the judge. Tireless worker and meticulous and diligent in preparation. Totally deserving of rank of Queens Counsel. Full of integrity. Great asset to the Bar."  
Legal 500 2021



Year of Call: 1997    QC: 2019

020 7353 5324

Narita is instructed to defend in high profile and heavyweight Crime and Business Crime cases. Her Crime practice includes murder, organised crime (including overseas drug cartels, firearms and armed robberies) terrorism and serious sexual offences. Her Business & Financial Crime practice includes cases involving fraud, tax evasion, money laundering and anti-competitive conduct (cartels, market abuse, insider dealing).

Narita's fearless and tenacious approach makes her widely sought after by professional and lay clients. She is recognised as Queen's Counsel who can skilfully deal with the most difficult of cases. Her investigative approach results in leading her team to successful results.

She has been instructed in a number of high-profile cases in which disclosure failings by prosecuting authorities have been unmasked. Four of these cases became the subject of review by the House of Commons Committee. In 2019 Narita's cross examination resulted in exposure of significant disclosure failings and disqualification of an expert witness. The case attracted **substantial media coverage**. Narita is instructed in the ensuing appeals at the Court of Appeal.

Narita's appointment as Queen's Counsel had an auspicious start; she was asked to **carry a pair of white silk gloves to the Silks Ceremony**, to mark the centenary of women being allowed to enter the legal profession. **The Times** newspaper quoted Narita as saying it was "*an absolute honour*" to carry the gloves, adding: "*I never thought that I – an Asian woman from a state school – would be taking silk.*" Narita was recognised as a leader in her profession by the **Financial Times**.

Narita regularly appears on National TV and Radio including **Sky News**, BBC news, ITV news, Channel 4 news and **Radio 4** as a legal correspondent.

Narita is a regular author and contributor to legal journals. An **article** was published by the Times (5/6/19) and

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Counsel magazine. Narita was recognised as a leader in her profession when [interviewed by the Financial Times](#).

Narita is recognised as a specialist in the field of disclosure. Her recent publication is titled a practitioner's handbook "Tackling Disclosure in the Criminal Courts"

(<http://www.lawbriefpublishing.com/product/disclosureinthecriminalcourts>)

Narita is currently commissioned to write a book on Confiscation and Proceeds of Crime Act proceedings.

Narita accepts [Direct Access](#) instructions.

## What others say:

"Ms Bahra QC is a perfectionist and all her work is done to the highest of standards. She is always fully prepared and this is reflected in the quality of her advocacy, her ability to instil confidence in every client and her written arguments/legal documents." – Legal 500 2021 (Crime)

"Runs tenacious arguments and works her socks off." "She has a high profile on the circuit." – Chambers UK 2021 (Crime)

"She has a unique style in front of juries, who like her approach." – Legal 500 2020 (Crime)

"A very polished operator; tenacious and fearless." – Legal 500 2020 (Fraud)

"A very capable and formidable advocate who is incredibly hardworking and tenacious." – Legal 500 2019 (Crime)

"She defends in money laundering, grant funding and phishing cases." – Legal 500 2019 (Fraud)

'New Silk' – Chambers UK 2019 (Crime & Fraud)

## Criminal Defence

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Narita is recognised as heavyweight defence QC who appears in high profile murders, organised crime cases (international drug cartels, firearms and armed robberies), terrorism and serious sexual offences.

Her reputation as fearless and artful tactician who achieves successful results has merited instruction by both professional and lay clients in heavyweight cases.

Narita is experienced in cross-examining expert witnesses, vulnerable witnesses, jury handling, identifying inadequacies in the prosecution case and challenging non-disclosure. A Barrister who takes great pride in leaving "no stone unturned" in the forensic preparation and presentation of her cases.

Narita advises and appears in Criminal Appeals where she provides clear and focused oral and written advice to both lay and professional clients.

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Narita has appeared before the Court of Appeal Special Court.

Narita is currently instructed to seek adjudication upon a point of law in the European Court of Human Rights.

## Notable Cases:

### **R v S (2020)**

Appeared for the main defendant who was extradited to the UK for Murder. The case involved challenging 9 expert witnesses.

### **R v T (2020)**

Instructed to defend in Decapitation Murder at the Central Criminal Court.

A two pronged defence was advanced.

Please read news article [The Independent](#).

### **R v P (2020)**

Secured acquittals for the outstanding defendant dubbed “The Master Mind” in three multi handed drugs conspiracies involving encrypted telephones (Encrochat).

The prosecution alleged the client was the leading figure in three separate drugs conspiracies; arranging the exportation, production and supply of Class A, B and C drugs through prestigious universities. The Crown alleged that the drugs were supplied in UK universities and flown out of the UK in private jets for young high net worth purchasers. Recent studies suggest that young people and students in affluent communities are at greater risk of substance abuse; the cause of which being the enormous pressure to achieve academically.

The co-defendants were tried in 2018 and then adjourned to 2019. Narita and Harry secured acquittals for a co-defendant (dubbed second in command) in the earlier trial. Please read more [here](#).

The police obtained search warrants for all the client’s properties and businesses. They were unable to locate the client at the time of the original two trials. The client voluntarily attended the police station in 2020. He was arrested and charged.

The Crown sought to rely on a combination of encrypted telephones, cell site, digital media, telephone and DNA evidence to secure a conviction against the client.

After extensive preparation and representations by the defence team, the prosecution conceded the written dismissal application and agreed to Offer No Evidence against their client. Not Guilty verdicts were entered on all counts relating to the client.

### **R v A (2020)**

The trial of 4 defendants lasted 8 weeks before a High Court judge in the Welsh capital city of Cardiff. The victim was an 18 year old Somalian who was stabbed 21 times in a lane near to the Cardiff University Students Union.

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Multiple eye-witnesses from the University saw the attack and gave evidence for the prosecution.

The defence challenged the prosecution pathologist's evidence in support of the defendants' case of self-defence. This involved detailed cross examination of the pathologist to establish the precise cause of the multiple wounds, the effect of intoxication levels of the deceased, and a detailed analysis of the weapons used to inflict the wounds.

### **R v D (2019)**

The Medicines and Healthcare Regulatory Agency ('MHRA') brought a prosecution which they alleged had a substantial international dimension. It was alleged the client was the UK ringleader of the sophisticated operation.

The MHRA is an Executive Agency of the Department of Health responsible for the regulation and control of medicines and medical devices for on the UK market. The MHRA Enforcement Group includes a Prosecutions Unit who investigated and brought this case. The MHRA used undercover investigators and extensive covert surveillance methods in the course of their investigation. The case required challenging evidence which had not been obtained in accordance with Regulation of Investigatory Powers Act 2000 (RIPA).

The client was alleged to be one of the ringleaders running a substantial and lucrative drop shipping business, conspiring with others, to import prescription only medicines (POMs), unauthorised medicines and Class C drugs from the Indian subcontinent into the UK, for onward sale across Europe. A number of illicit online drug sales platforms were said to have been used in the conspiracy. The case involved detailed analysis of substantial amounts of digital evidence.

In one raid, the MHRA seized more than 300,000 tablets, worth in excess of £315,000. The prosecution suggested that the tablets seized represented a fraction of the overall illegal operation.

The prosecution then brought complex Proceeds of Crime Act ('POCA') proceedings seeking substantial sums of monies from criminal conduct and hidden assets. At a hearing this week, following protracted negotiations, the defence persuaded the prosecution to agree to an order for a significantly reduced sum. Read more [here](#).

### **R v S (2019)**

Instructed to defend in a triple Murder. Narita's client is alleged to have murdered his wife and two children before leaving the UK. Extradition proceedings resulted in the client being tried 12 years post the date of the offences. The case involves challenging numerous expert reports including; Pathologists, Cell Site, Telephonic, DNA and Fingerprint Experts. The focus of the defence centred around the developments and technologies which improved the sensitivity and informativeness of DNA testing over the last 12 years, read more [here](#).

### **R v A (2018)**

Appeared for the first defendant in three multi handed drugs conspiracies (leading).

The prosecution alleged the client was involved in a leading role in three separate conspiracies; arranging the exportation, production and supply of Class A, B and C drugs through prestigious universities. The Crown alleged that the drugs were supplied in UK universities and flown out of the UK in private jets for young high net worth purchasers. The Sentencing Council's definitive sentencing guidelines indicated that the client could have faced a sentence in the region of 20 years imprisonment, in the event of conviction.

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The Crown sought to rely on a combination of cell site, digital media, telephone and DNA evidence to secure a conviction against the client.

Shortly before the trial the prosecution “cracked” the defendant’s locked iPhone. Following a disclosure request the prosecution made a Public Interest Immunity application.

Narita succeeded in excluding evidence obtained from the unlocked phones on the grounds of unfairness to the defendant. As a result of representations made by the defence the Crown offered no evidence against the client. Not Guilty verdicts were entered on all counts.

## **R v I**

Secured an acquittal for client charged with multi-million-pound conspiracy to manufacture, import, export and distribute Anabolic Steroids (Class C drugs). Arrests were made after the large volumes of drugs were seized Internationally and at a London airport. The Prosecution alleged that the client was one of six individuals involved, in the mass manufacture and production of anabolic steroids, in specialist laboratories. The Prosecution sought to rely upon evidence against the client, of his company and business dealings, spanning over 9 years. The case involved having an extensive knowledge of Medical Health Regulatory Association Regulations, Guidelines and Home Office licensing procedures. After extensive preparation and representations by the defence team, the Prosecution agreed to Offer No Evidence against this client alone.

## **R v R**

Following a 4 week trial the client was cleared of his involvement in the murder of 74-year-old jeweler. The prosecution alleged that the deceased was abducted whilst walking home from his jewellery shop on 24th January by the client and 3 other men. The men tortured and beat Mr. Jogiya for information before dumping him in a country lane. The client was the only defendant to be acquitted despite all co-defendants attributing sole responsibility for the murder on him.

[National Press Coverage.](#)

## **R v K**

Client was acquitted of Rape. The case gained national media coverage after I exposed disclosure failings. This case was referred to the DPP for review on grounds of disclosure failings.

[National Press Coverage.](#)

## **R v K**

Client was acquitted of sexual assault in a Mayfair night club following the disclosure of vital CCTV evidence. The case gained national press coverage after the police failed to hand over vital security footage until the first day of trial. The footage, which was described as containing ‘nothing of interest’ by police resulted in the acquittal. The Judge ordered an enquiry into the disclosure failures by the CPS and Metropolitan Police. The CPS conceded there had been an ‘*unnecessary or improper act or omission*’ in respect of the disclosure failure.

[National Press Coverage.](#)

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## R v S

Client was one of six defendants from Diego-Garcia, tried on a fourteen-count indictment including allegations of gang rape, sexual activity with a child, sexual exploitation and historic grooming offences. The six child witnesses were females aged between 13 and 15 years at the time of the alleged offences. Intermediaries were utilised to assist the complainants. The client was the only defendant who faced allegations made by three complainants. The case involved complex strategic and tactical decisions which enabled successful legal arguments to be mounted. Narita identified significant flaws in the prosecution disclosure exercise and its impact on the integrity of the investigation and trial.

This resulted in the prosecution offering no evidence on all counts, prior to the close of the prosecution case.

## R v R

Secured an unanimous acquittal for client, who was one of seven defendants tried for Conspiracy to Commit Violent Disorder. Case was prosecuted by Treasury Counsel, due to the sensitive religious, cultural and political aspects. It was alleged that violence was planned as revenge as a direct retaliation against the followers of those who had desecrated the Sikh holy scriptures in Punjab, India previously over an eighteen month period. My instruction of experts enabled the successful exclusion of damaging material. The client's case was distinct from all other co-defendants and therefore, involved exercising judgement in the forensic analysis and presentation of the case.

## R v H

Secured the unanimous acquittal of an Assistant Headteacher charged with six sexual offences. The case took over 26 months to complete due to novel and complex legal argument, relating to challenging Computer Expert Evidence. The Court ruled in favour of the defence submissions, which challenged the reliability and means by which the alleged images had been obtained and attributed. The jury acquitted of the remaining sexual offence allegation in less than 10 minutes at the retrial.

## R v B

Client was acquitted on all counts of human trafficking and sexual exploitation following nine days of cross examination of the complainant, extensive legal argument on disclosure and abuse of process. The Crown offered no evidence when they conceded that evidence existed which significantly undermined the complainant's account and the disclosure process. Received national media attention because the client's plight demonstrated the devastating impact prosecutorial negligence can have on the lives of those accused of a crime – the client spent 13 months in custody during which time she gave birth to a son with a genetic disorder. She and her son spent the first five months of his life in prison.

The Judge ordered an inquiry. The Judge observed "*that there appeared to have been a wholesale failure on the part of the prosecution to deal with disclosure properly*". The judge observed that the defence had made repeated focused requests for disclosure but the court had been fundamentally misled at pre-trial hearings and applications to extend the custody time limits as to the strengths of the case, the CPS's handling of disclosure and the prosecution's trial readiness. The CPS and police were criticised by the judge for "serious errors" in their handling of the case stemming from the failure to accurately record and properly review unused material.

The Deputy Chief Crown Prosecutor gave evidence on oath and accepted the CPS had fallen short in this case

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and apologised to the Court. He indicated an independent review into the case had been launched and would be provided to the DPP as well as the Court in an effort to identify what went wrong and ensure such mistakes were not repeated.

[International and national media coverage.](#)

## **R v P**

Secured a Rape acquittal for a Director at Universal Music.

[National Press Coverage.](#)

## **R v F**

Client was the sole defendant acquitted out of sixteen defendants allegedly involved in four shootings in Bedford. Prosecuted by the tri-force collaboration arrangement including Hertfordshire and Cambridgeshire, Eastern Region Special Operations Unit, Counter Terror Intelligence Unit and the Regional Organised Crime Unit. Defence succeeded due to deployment of strategic and tactical judgement.

[National Press coverage.](#)

## **R v L**

Client who ran a renowned Holistic Energy Healing Service acquitted of sexual assaults. A series of targeted disclosure requests resulted in obtaining email, what's app and text messages between the complainant, client and other customers which enabled the defence to demonstrate that the complainant was unreliable. The Prosecution conceded that the material resulted in a necessary review of the evidence and later conceding that there was no longer a realistic possibility of conviction.

[National Press coverage.](#)

## **R v M**

Client tried along with eight other defendants charged with a Conspiracy to supply class A drugs (to the value of three million pounds) spanning over two years. The prosecution alleged that the client played a leading role in the conspiracy by providing drugs to co-conspirators during a drought resulting from police closure of drugs factories. The prosecution sought to secure convictions based upon covert surveillance, automatic recognition plate evidence, CCTV, telephone evidence and cell site analysis. The prosecution alleged that the conspiracy spanned across the UK. Relied upon telecommunications experts to successfully challenge the prosecution evidence.

[National Press Coverage.](#)

## **R v M**

Client faced a forty-six count Indictment, alleging an array of rapes and sexual offences against two step children. Successful legal argument resulted in the court directing that the counts to be tried be reduced to twenty-four. The case was factually complex because one of the complainants had reported the same allegations to the police six years earlier however, the Crown Prosecution Service reached a decision not to proceed to prosecution on the

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first occasion. The court allowed the prosecution to adduce evidence of the earlier complaint, the reasons it was not prosecuted and bad character evidence of similar fact, namely evidence from his young spurned mistress that the client had groomed her since she was a child. The client's mistress gave evidence of incidents which the Prosecution alleged were strikingly similar to the index grooming behaviour alleged against the client.

The client's case was simply that no alleged incidents had occurred and all complainants and his mistress were fabricating allegations, as a result of the affair becoming uncovered. The client was unable to provide any tangible proof of this motive.

Detailed written requests for disclosure during the course of the trial resulted in uncovering a witness who had been in contact with all of the witnesses prior to and during the police investigation. Narita demonstrated through cross examination that this witness had contaminated all accounts.

Unanimously acquitted on all counts within an hour.

## **R v M**

Client was alleged to be the ring leader in a conspiracy to supply firearms and ammunition to the UK criminal underworld. The five co-defendants were tried previously and imprisoned for a total of 45 years. It was alleged that whilst serving his sentence for possession of a firearm with intent to endanger life, the client was directing operations, selling and distributing reactivated firearms and ammunition from his prison cell using an unauthorised mobile telephone. The client directed that purchased weapons should be reactivated at a workshop run by former Polish soldiers. More than 40 guns were sourced, including AK-47's. Only 8 reactivated firearms out the 40+ linked to the gang were recovered. The case revolved around cell site and computer evidence. Experts on cybercrime were material in the case.

[National Press Coverage.](#)

## **R v B**

Instructed to represent a high profile senior Solicitor in criminal proceedings emanating from civil proceedings in the Family Court. The charges were brought under the Domestic Violence, Crime and Victims Act 2004. The case was unusually prosecuted by two senior CPS Lawyers and Queen's Counsel due to the serious and unusual nature of proceedings. Post charge, advised on disciplinary hearings before the SRA and the Office for Supervision. Defence submissions and evidence obtained over the course of a year resulted in the prosecution offering no evidence on all counts. Not guilty verdicts were entered on the first day of trial.

## **R v B**

Instructed to represent a client charged with managing an industrial cannabis factory within a disused Mill.

The factory was described by the media as "*an industrial large scale set-up*". Illegal immigrants from Vietnam, were provided with a phones and food, but were living in squalid conditions and were prevented from leaving the mill. The prosecution case relied upon telephone and CCTV evidence which linked my client directly to the organisation and management of the operation. Narita's focused written advocacy challenging the expert evidence resulted in the Crown offering no evidence on the first day of trial.

[National Media Coverage.](#)

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## R v A

Successfully defended in the Aylesbury Child Sex Abuse Trial. Eleven defendants were tried on a fifty-one count Indictment. Narita's client was one of two defendants who faced allegations by all complainants. The prosecution alleged the complainants came from troubled backgrounds and wanted to feel grown-up when they were befriended by the men, who groomed them by showering them with inexpensive gifts such as alcohol, DVDs, food and occasionally drugs. Narita mastered all of the evidence and unused material in order to make a series of successful legal submissions. Narita deployed skillful, focused and deft cross examination which resulted in all substantive counts against the client being discharged at the close of the prosecution case. This resulted in only one count being left to the jury to deliberate upon.

[National Press Coverage.](#)

## Gra Diamond Robbery

Narita was instructed as a leading junior for the fourth defendant in the largest diamond heist in British history [£40 million] at Gra jewellers, London. The case rested on expert evidence of face recognition, APNR and cell site.

[National media coverage.](#)

## R v P

The Crown alleged that the client (aged 21) had attempted to murder the complainant by carrying out a savage and ferocious stabbing and then leaving the complainant for dead. The case was tried before the Resident Judge at Stord Crown Court. Narita successfully cross-examined twenty eye witnesses who were present at the time of the alleged stabbing. The jury acquitted client in less than an hour.

## R v C

Successfully defended the only sixteen-year old in a twenty defendant Class A Drugs Conspiracy. The prosecution alleged the client played a significant role in this established and large-scale operation.

The case involved deploying my experience of handling a vulnerable defendant. Narita identified that the client was suggestible and easily influenced by authority and adults. An Educational Psychologist and Psychiatrist were instructed and defences of suggestibility and duress were advanced. An intermediary was appointed to assist the client's communication and enabled the client to participate effectively in the trial. The Police's failure to acknowledge developmental differences between the client and adult co-defendants during all the searches and interrogation context was a live issue in the trial. Narita demonstrated the strengths and limitations of a youth's memory, their communicative capacities, their social styles and orientation to adult questioners, and their susceptibility to suggestion.

## Business Crime & Financial Services

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Narita has extensive experience in complex fraud and money laundering cases. She is noted for handling fraud cases with an international dimension, particularly in South East Asia. Narita excels at distilling and explaining complex factual matrices to both clients and juries in a concise and clear manner.

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Narita's areas of expertise include anti-competitive conduct (cartels, market abuse, insider dealing); civil/commercial fraud; fraudulent trading; mortgage fraud; money laundering; revenue fraud; VAT/MTIC fraud.

Narita is recognised as having vast and practical knowledge of the increasing prosecutions involving the Hawala banking system (an alternative unregulated remittance system running in parallel with the established regulated banking system). She is currently instructed as Queen's Counsel in a case which raises Hawala as a defence (2019). Narita also has an excellent knowledge of ancillary proceedings, such as criminal confiscation, asset forfeiture and restraint law.

Increasingly instructed in quasi-criminal and regulatory proceedings, she represents professionals such as accountants, financial advisers and solicitors, as well as senior executives facing charges relating to dishonesty or corruption in business practices.

## Notable Cases:

### **R v S (2019)**

Exposed fundamental disclosure failings which results in the collapse of a major carbon credits and diamond prosecution.

This was a prosecution brought against 8 defendants for an alleged fraud involving the sale of carbon credits for the purposes of investment. The defendants asserted that they believed that there was a viable market for carbon credits and that they believed that the value of the credits would rise.

The trial collapsed as a result of the prosecution's reliance on a witness called Andrew Ager. The prosecution had asserted that Mr. Ager was an expert in the carbon credits market and had relied upon him to secure convictions in over 20 trials. Mr. Ager had repeatedly told juries that, amongst other things, that there was no secondary market in the sale of VER carbon credits.

In this case, Narita identified and instructed Dr. Marius Cristian Frunza as an expert for the defence. Dr. Frunza holds a PhD from Sorbonne University and lectures extensively in respect of the carbon credit markets. Mr. Ager improperly attempted to dissuade Dr. Frunza from giving evidence. This resulted in the Narita's defense team applying to cross-examine Mr. Ager in a voir dire before he was permitted to give evidence to the jury.

During the course of that cross-examination, the following evidence was elicited:

- Ager had no academic qualifications whatsoever. He had not obtained a degree. When asked if he had any A-Levels, he replied that he had sat 3, but couldn't remember if he had passed.
- Despite asserting that he kept abreast of the carbon credits market, he admitted that he had not read any books on the subject even though he accepted that Dr. Frunza's books were widely available. He did, however, tell the court that he had once seen a documentary about credit credits.
- He admitted that a number of the assertions he had made to Dr. Frunza, during a joint experts meeting, were either wholly untrue or substantially inaccurate.
- He admitted that he did not consider it his duty to bring facts to the court's attention which

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might assist the defence.

- He admitted that he had kept no record whatsoever of the material that he had been provided with by the police and no notes of his workings.
- He admitted that he had lost some of the sensitive material he had been provided with by the police as he kept it in a cupboard under the stairs and the material had been damaged by a “leak”. He did, however, assure the court that he now had better storage facilities as he kept confidential material in a “locked box on his balcony”.

Prior to Mr. Ager giving evidence, the defence had made targeted disclosure requests which revealed that the officers in the case had taken no notes of their meetings with Mr. Ager and no record of the material that they had provided to him. In light of Mr. Ager’s admissions, it was plain that his evidence was incapable of any independent review, quite apart from his evident unsuitability as an expert witness. At the conclusion of the voir dire the prosecution confirmed that they abandoned Mr. Ager and that he had been removed from the National Crime Agency’s list of approved experts. The trial judge commented that Mr. Ager should never be permitted to give expert evidence again.

The defence team then sought a voir dire of the officers in the case and lawyers from the CPS in order to establish the extent of the disclosure failures. This resulted in the prosecution disclosing that the CPS and the police had been in possession of material that was potentially damaging to another prosecution expert called, Peter Buckie. Mr. Buckie had given evidence before the jury in respect of diamond sales prior to the voir dire of Mr. Ager. The evidence in respect of Mr. Buckie revealed that he had been abandoned as a prosecution witness in 2013 as a result of allegations of misconduct. That evidence did not appear on any prosecution disclosure schedule and was hidden from the defence until 28 May 2019, when it was revealed, for the first time, minutes before the prosecution offered no evidence and abandoned the case thereby avoiding the officers and CPS lawyers being subjected to cross-examination.

As a result of the cross-examination of Mr. Ager, the safety of the convictions in every previous carbon credits prosecution is now in question. Furthermore, it is apparent that there are systemic failures within the investigation and disclosure processes at City of London Police that are likely to impact upon all prosecutions undertaken in the last eight years.

### **R v J (2019)**

Narita Bahra QC successfully defended in an International £11 million money laundering trial, where the defence advanced was Hawala Banking. The defence relied upon Hawala expert evidence. It was asserted that the client had no knowledge or suspicion that money laundering was taking place and that the transactions had the appearance of genuine Hawala transfers, please read [here](#).

### **R v C (2019)**

The Department for Business, Energy & Industrial Strategy (‘DBEIS’) brought a criminal prosecution against their client who had run an initially successful company, which then went into liquidation, owing creditors in the region of £2.9m.

The DBEIS is the Government department responsible for economic growth, incorporating business, industrial strategy, science, innovation, energy, and climate change. Since January 2017, criminal prosecutions have been

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conducted by the Insolvency Service, an executive agency of DBEIS.

The prosecution in this case, brought proceedings under the Insolvency Act 1986 alleging 1) the falsification of company books and 2) misconduct during the course of the winding-up of the company.

The **Insolvency Service criminal enforcement team** identifies and prosecutes fraud in companies by prosecuting breaches of Insolvency and Company Law.

Once DBEIS accept a complaint about alleged criminality by a bankrupt or relating to the affairs of a limited company, Investigating Officers will conduct a criminal investigation – gathering evidence and taking witness statements – or may refer the case to other regulatory agencies for enforcement.

Individuals under investigation will usually be invited to an interview under caution. They are entitled to legal representation.

A DBEIS lawyer then applies the Code for Crown Prosecutors and assess whether there is enough evidence against the individual to provide a realistic prospect of conviction, and, if so, whether it is in the public interest for the prosecution to be brought.

If DBEIS is successful, save for exceptional circumstances, a confiscation order (under the Proceeds of Crime Act 2002) and a director's disqualification order (under the Company Directors Disqualification Act 1986) will usually follow a conviction.

Public scrutiny of government agencies' apparent 'light-touch' regulation of white-collar offending means there is an increasing pressure on government agencies to bring criminal prosecutions. According to DBEIS's figures, 97 individuals were successfully prosecuted between April 2016 and March 2017, with 63 of those receiving custodial sentences.

## **R v K**

Narita was instructed to defend an employee of Royal Mail Revenue Protection Department who was alleged to have assisted a Company to defraud the Royal Mail of approximately £33 million pounds of revenue fraud and of attempting to pervert the course of justice.

The prosecution relied in the main upon a witness, the owner and controlling mind of the Company which had perpetrated the fraud, who gave Queen's Evidence to seek to secure convictions against four Royal Mail employees.

Private prosecutions are an extremely valuable power for Royal Mail, who have confirmed their intention to crack down and pursue offenders via Private prosecutions instead of traditional reliance on the Crown Prosecution Service.

Private prosecutions can be commenced by any private individual, or entity who/which is not acting on behalf of the police or other prosecuting authority.

The right to bring private prosecutions is preserved by section 6(1) of the Prosecution of Offences Act (POA) 1985. There are, however, some limitations:

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- the Director of Public Prosecutions (DPP) has power under section 6(2) POA 1985 to take over private prosecutions;
- in some cases, the private prosecutor must seek the consent of the Attorney General or of the DPP before the commencement of proceedings.

Defending in a private prosecution requires knowledge, at the outset, of what features of a private prosecution a client may be able to challenge,

- Sufficiency of evidence
- Public Interest
- Motives of the Private Prosecutor
- Conduct of the Private Prosecutor
- Disclosure Process

It is only if the prosecuting legal team has acted with the required professionalism and independence that the private prosecution proceeds to trial.

The Crown sought to rely on a combination of CCTV footage, cell site, digital media and telephone evidence to secure a conviction against the client.

At trial, at the close of the prosecution case, Narita and Tom succeeded in persuading the Prosecution and the Judge that there was no case to answer against their client on the charges faced; not guilty verdicts were therefore received from the Jury.

### **R v P – Leading 2 Juniors**

Narita was instructed to defend a complex and unusual joint HMRC and Police investigation in which it was alleged that tax evasion emanated from mobile phone theft through companies. This involved consideration of a vast amount of evidence and complex issues of taxation law as well as the Crown Court's jurisdiction to interfere with and decide matters that ordinarily fall solely to be determined by the First-tier Tribunal (Tax Chamber).

Narita was successful in challenging the prosecution's dogged approach which emanated from growing pressure to probe that the HMRC and Police had workable strategies in place to stamp out evasion.

The Prosecution alleged the client had masterminded fraud, theft and tax evasion by taking advantage of lacuna in the Value Added Tax Act 1994.

Narita's team worked together to assimilate and consolidate complex taxation issues of relevance to the client's defence so that they could be followed by a lay jury.

### **R v S**

The client was a businessman, charged alongside ten co-defendants with being knowingly involved in a conspiracy to evade excise duty on diesel fuel on a large national scale. The HMRC investigation of these allegations spanned over four years. Laundering involved red diesel, meant for use by agricultural and other off-road vehicles.

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The prosecution alleged that red diesel was stolen in huge quantities and then a variety of methods were deployed to launder, eradicate the red dye and other chemical markers. The removal of the colour results in it looking to the untrained eye as regular diesel. It was alleged that it was sold on businesses who were willing to turn a blind eye. Plants were uncovered in mainland Britain and officials had intercepted illegal shipments.

The case collapsed due to disclosure failings.

Extensive [National Media Attention](#). Interviewed by [Radio 4](#) and [BBC News](#).

## **R v M**

Prosecution alleged client was involved in laundering monies for the criminal underworld. Narita's written advocacy succeeded in maneuvering the prosecution into a position where they decided to offer no evidence on the main conspiracy to money launder offence, class A drug offences and a substantive money laundering allegation at the outset of the case. This enabled the defence to sever the client and her husband from the four co-defendants and thereby removing any links or associations with drugs. Evidence of class B drugs found at co-defendant's premises were also successfully argued to be inadmissible.

## **R v M**

The prosecution alleged the client was one of three leaders in this serious organised eight handed conspiracy. The organisation unwittingly used Easyworld International Money Exchange Bureaus to launder in excess of £78 million. The police uncovered a factory based in London at which the funds were being laundered.

The case involved looking carefully at the stringent regulation of money exchange bureaus imposed by the Money Laundering Regulations. The HMRC made it clear that the onus now fell upon businesses at risk to implement anti-money laundering measures based on a 'risk-based' approach and assessment.

Narita successfully negotiated with the Crown to limit the client's accepted involvement to a figure below £1.5 million.

## **R v Z**

This cybercrime investigation into corruption across the banking industry resulted in the arrest of the client who was a Barclay's Banker in the Cyber Fraud operation Kadenza. The Crown alleged the client had opened 144 fraudulent accounts enabling in excess of three million pounds to be laundered, as well as passing on sensitive details to those committing the Cyber Fraud (£113 million) in operation Kadenza.

Lengthy written and oral advocacy resulted in the prosecution offering no evidence on the two substantive conspiracies. The Court held it was not persuaded that the Prosecution could properly substantiate the tenuous link between the co-conspirators and the client.

The client pleaded guilty to one count of money laundering limiting his involvement to £1.5 million pounds. No confiscation proceedings were pursued.

[National Press Coverage](#).

## **R v A**

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Instructed to represent a Director in a European Union Match Funding Conspiracy to Defraud in excess of a million pounds. The client, along with her brother and his former Director, were accused of having conspired to commit fraud against the Home Office by preparing paperwork to demonstrate implementation of learning activities for third country nationals to assist in integrating them into the community for which the Home Office would provide grants to facilitate those activities. The client denied having conspired to commit fraud against the Home Office.

The case was significant and politically sensitive, in light of the fact that at the time that the Prosecution alleged the offences occurred, Theresa May was the Home Secretary which oversaw the financial aid that was provided. Client was the only defendant acquitted.

#### National Press Coverage.

#### **R v K**

Represented the first defendant in an alleged joint enterprise to flood the UK with millions of illegal cigarettes and evasion of duty and VAT in excess of one million pounds. The Crown alleged client played a leading role in the logistics and distribution of the UK arm of the criminal operation. It was alleged that the smuggled cigarettes emanated from Russia and Eastern Europe, travelling via Polish transportation. Unusually the HMRC were able to assert that this was an exceptional case as they had arrested the main players in this International Crime Ring. HMRC investigators uncovered the smuggling ring after working closely with UK Border Force and the National Crime Agency. Client was the only defendant alleged to have operated in a leading role who was acquitted post trial.

#### **R v S**

Client was a Solicitor arrested as part of an international money laundering ring who made in excess of 113 million pounds, conducting one of Britain's largest cyber scams cold-calling bank customers. 47 million pounds was recovered. The outstanding 66 million pounds was believed to have been laundered from the UK to Dubai and Pakistan. Arrests resulted after the police mounted the most sophisticated cyber-surveillance operation to date. 750 accountants and solicitors were targeted by the ring.

Client was the only defendant to receive a suspended sentence.

#### International and National Press Coverage.

#### **R v G**

Client acquitted of Money Laundering in excess of £500 000. Unusually, Narita was instructed three years post charge and after four previous defence teams had fail to grasp the complex issues in the case. Deploying my understanding of Islamic Banking (Sharia compliant finance) and instructing a Forensic Accountant successfully enabled the jury to understand and identify gaps in the complex prosecution case.

#### **R v B**

Client was the Personal Assistant to Barbara Broccoli (owner of James Bond empire) and employee of EON Enterprises Limited. Client was acquitted of three counts of fraud and three counts of theft. Narita identified significant prosecution disclosure failings which damaged the integrity of the three-year investigation. Prosecution

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offered no evidence on day one of the trial.

[National Press Coverage.](#)

## **R v S**

Secured an acquittal for client in the “Tesco Cash for Crash” Insurance fraud conspiracy. Client was one of twenty-one defendants facing trial. The Prosecution alleged that the defendants had targeted Tesco and car insurance firms by mounting faked or bogus accidents resulting in fraudulent claims. They further alleged that the defendants exaggerated their injuries in order to claim personal Injury compensation and other costs. Narita’s forensic detailed cross-examination of the prosecution medical experts was damning for the Crown’s case. All defendants were acquitted.

## **R v Shah**

Defended in an eight-handed conspiracy to commit multi million pound Home Office visa fraud. The fraud emanated from hiding assets via money loops to misuse the visa application system. The case involved cross-examination of forensic accountants. Narita prevented the Crown from being permitted to allow additional counts at the outset of the trial. Successfully defended the Crown’s application to voluntary bill additional charges in the High Court. This case involved a series of public interest immunity applications.

[National Press Coverage.](#)

## **R v C (2015)**

Client was the first defendant in a nineteen-handed conspiracy to commit fraud. The case related to abusing consumer protection offered by banks and credit card companies. The Crown alleged the client was the orchestrator and puppeteer of the conspiracy. Undertook strategic and tactical decisions regarding the defence and presentation of the case. Cross-examination of forensic accountants and expert witnesses was necessary.

## **R v S**

Instructed in what was described by the Serious Organised Crime Agency as, “*The largest importation of heroin into the United Kingdom from the Indian subcontinent, Pakistan and Afghanistan*”. The client was described as “*an international drug smuggler of the highest order*”. The street value of the drugs was in excess of 103.2 million pounds and money-laundering allegations against the client were valued at 12 million pounds. A Hawala banking defence was advanced at trial which explained the client’s financial affairs represented legitimate financial transactions. Narita worked very closely with the expert witnesses who conceded they were dealing with novel issues of banking law.

## **R v S**

This ten defendant case involved a conspiracy to defraud the Oxfordshire Police and insurance companies. The Prosecution unusually offered no evidence against the client at the conclusion of her evidence in chief. The judge ruled that “*the trial for all other co-defendants would continue. This unusual outcome was solely as a result of Miss Bahra’s dogged and skillful approach to disclosure*”.

## **R v Poole**

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Client was the finance director of the London Philharmonic Orchestra charged with fraud in excess of 2.3 million pounds.

National Press Coverage.

## Accreditations

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2 Hare Court

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Narita Bahra

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## Appointments & Memberships

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- Contributor to Lincoln's Inn educational advocacy tutor
- Member of selection panel (Lincoln's Inn Bar Scholarship Awards)
- Criminal Bar Association member
- South Eastern Circuit member
- Women in Law member

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- 2014: Publicity Officer for the Female Fraud Forum
- 2015 – 2019: Female Fraud Lawyers Forum Committee Member
- 2015: Winner of the Excellence in Law Award
- 2014 – 2016: Senior Committee Member of the Society of Asian Lawyers
- 2012 – 2016: Trustee Windsor Fellowship (funded by Prince of Wales Trust)
- 2018 – 2019: Private Prosecutions Association member
- 2017 – 2019: City Sikhs Advisory Board Panel Member
- 2017 – 2019: Advisory Member British Asian Trust (funded by Prince of Wales Trust)
- 2019: Winner of Criminal Lawyer Legal Awards
- 2019: Shortlisted for Women in Law Award – 100 years
- 2019: 1<sup>st</sup> Queens Counsel to begin the “Lethbridge Gloves” Tradition on Silks Day
- 2020: Winner of Women of Achievement Award

## Education & Qualifications

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- 1997: Mansfield Scholar, Lincoln’s Inn
- 1997: Hardwicke Scholar, Lincoln’s Inn
- 2014: Direct Access qualified
- 2017: Bar Standards Board Dual Qualification (including a certificate to litigate)
- 2017- 2019: Vulnerable Witness Trainer for Criminal Bar Association & Lincoln’s Inn

## Publications

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“Tackling Disclosure in the Criminal Courts – A Practitioner’s Guide”

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