



Aparna Rao

Barrister

Call: 2013

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Aparna is an established criminal barrister with a busy practice in prosecuting and defending serious offences. She specialises in complex criminal and civil fraud.

Specialist areas

Fraud, Business and Financial Crime

Crime

Professional Regulation

VAT number: 182 6626 88

Bar council number: 61181

Aparna is frequently sought as counsel in large-scale operations involving financial, technical, or legally-complex matters. She is instructed as junior counsel in Missing Trader Intra-Community (“MTIC”) fraud related proceedings in the VAT Tribunal. She regularly prosecutes and defends cases involving violence, burglary, robbery, fraud, theft, motor vehicle offences, and sexual offences. She is instructed in healthcare disciplinary and regulatory work, and has appeared in the Health and Care Professional Council, Nursing & Midwifery Council, and the British Association

for Counselling and Psychotherapy.

Aparna has undertaken work in several murder trials at the Old Bailey. She has worked extensively on the prosecution of Rolf Harris (historic sex offences), confiscation proceedings following large-scale money laundering convictions, and one of a few cases of corporate manslaughter brought in the UK.

Aparna has security clearance. She is frequently instructed in confidential and sensitive matters involving public interest immunity and legal professional privilege.

In 2013, Aparna cross-qualified and was called to the Bar of England and Wales. She previously qualified in Australia in 2009, and has worked at the equivalent of the Supreme Court, as an Associate to a Justice of the High Court of Australia (the final appellate court in Australia). She has also taught as a Lecturer in Law at the Australian National University in Canberra, and later tutored in Law at Oxford University while completing her Doctorate in Law.

Aparna is a registered public access practitioner, with particular experience in fare evasion cases. Members of the public can instruct her directly.

Areas of expertise

- Serious fraud
- Public law and government
- Professional discipline and regulatory
- IT and computer offences
- Drug offences
- Fare evasion
- Disclosure and immunities

Notable cases

Operation Fifi (Southwark Crown Court) and Operation Greys (Manchester Crown Court): instructed by the CPS Specialist Fraud Division to prosecute conspiracies to defraud motion picture companies (over £10m at a conservative estimate), by means of sophisticated torrent and seeding mechanisms, utilising a number of websites and professional software.

Operation Alabaster (Reading Crown Court): prosecuting four-handed fraudulent evasion of duty. Instructed by HMRC and the CPS Specialist Fraud Division.

Operation Atlas (Southwark Crown Court): instructed to prosecute by CPS Specialist Fraud Division. Former CEO of Montessori and several co-defendants prosecuted for multiple frauds and conspiracies to commit fraud. Totalling 4 months in length, the trials involved many thousands of pages of served evidence, a greater quantity of disclosed material, extensive case preparation, encyclopaedic knowledge of the prosecution and defence cases, ongoing management of witnesses, officers, communications with solicitors and defence, and preparation of speeches and cross-examination of witnesses.

Serious Fraud Office: instructed to advise on mutual legal assistance and drafting of letters of request, evidential gathering and assessment from numerous overseas jurisdictions.

Serious Fraud Office: confidential advisory work, instructed to re-draft lengthy, document-heavy ex-parte application for search warrants in a fraud investigation. Application raised multi-faceted disclosure issues, PII (and liaison with government departments), and foreign-jurisdictional issues. It was seen and approved by SFO general counsel. All applications were successful and were not judicially reviewed.

R v C (Blackfriars Crown Court): prosecuted defendant for fraud upon employer; involved analysing and presenting financial information distilled from accounting software and variety of handwritten and forged materials.

USA v S (Westminster Magistrates' Court): representing client facing extradition proceedings for serious fraud matters. Appeared in several procedural hearings/applications.

Begum v Luton BC [2018] 1 W.L.R. 3792 (Divisional Court): representing the local authority in complex judicial review proceedings concerning a question of law about the service of summons in the Magistrates' Court. Described in judgment by Gross LJ as "very able submissions."

Operation Valgus (Mold Crown Court): instructed by the CPS Specialist Fraud Division and Titan/RART in confiscation proceedings concerning over 1000 mortgage frauds.

R v AB (High Court of Justice; Colchester Magistrates' Court). Represented a terminally ill defendant charged with historical sexual offences. The Magistrates' Court purported to send the case to the Crown Court in his absence, citing a supposed principle of 'voluntary frustration by the defence'. An application for Judicial Review of this decision on the grounds that there was no legal power to send in absence was successful, with the Magistrates' Court conceding the point without the need for a hearing.

R v B (Basildon Crown Court). Representing a defendant who was charged with numerous serious historical sexual offences, against several different complainants, dating back to the 1980s. The case involved substantial disclosure of historical records, medical records and material relating to all parties, which required skilled organisation and considerable attention to detail.

R v H (Isleworth Crown Court). Defendant acquitted of affray in a nightclub, where several prosecution witnesses alleged that he had been violent and aggressive. In cross-examination their identification of the defendant was shown to be inconsistent and mistaken.

R v B (Oxford Crown Court). Secured acquittal for client charged with assault occasioning actual bodily harm against a police officer, allegedly inflicted during the course of arrest. Self-defence was successfully relied upon after the jury heard evidence from both police officers present, and from the defendant and his family.

R v Otunga (Central Criminal Court). Prosecution for murder. Assisted in preparation of agreed facts, schedules of evidence, research on points of law (including loss of self-control and sentence), and communications throughout the trial with CPS, police and defence counsel.

R v Cozma and Cozma (Central Criminal Court). Prosecution for murder. Assisted with several aspects of the conduct of the case, such as admissions, jury bundle preparation, exhibits, and other matters normally dealt with by junior counsel.

R v C (Ealing Magistrates' Court). Client acquitted of making for sale or hire an article infringing copyright. He was arrested behind the till of a shop selling counterfeit DVDs. At trial, the Crown failed to show any "making" but sought to argue that "making" included "offering" for sale. Legal argument on s. 107 of the Copyright, Designs and Patents Act 1988 resulted in the bench finding that there was no case to answer.

Regulatory

S (General Pharmaceutical Council): represented pharmacy technician accused of dishonest behaviour (theft) at work. Successfully avoided finding of any impairment and client permitted to continue working without any restrictions.

C (British Association for Counselling and Psychotherapy): successfully defended client facing allegations of disclosing confidential information about a patient, failing to ensure a good quality of care, and contravention of the principles of good practice of the association. Client exonerated on all counts.

J (Nursing and Midwifery Council). Successfully opposed an application to suspend a nurse who had assisted an elderly patient at her home in a non-professional capacity. No restrictions imposed.

R (Health and Care Professions Council). Secured conditions of practice for a social worker whom the authority was seeking to suspend from practice altogether.

Education Act prosecutions: on behalf of the London Borough of Haringey, prosecuting individuals who have failed (sometimes deliberately) to ensure regular attendance of their children at school.

Fare Evasion

Recently, Aparna has achieved out-of-court settlements for clients accused of the following types of fare evasion:

- Using a travel pass in someone else's name;
- Failing to buy the correct ticket for the same type of journey on several occasions;
- Failing to purchase a ticket where the ticket machines were not working at the entry station;
- Failing to have the correct travelcard for travel zones used.

An out-of-court settlement means that the client does not have a criminal record and is not sentenced. Instead, the transport company agrees to settle for the payment of any evaded fare(s) and payment of its own administrative costs in the case.

Appointments / Professional

Professional

CPS Specialist Fraud Division (Level 2)

SFO Prosecution Panel B

CPS Grade 3 Prosecutor

Secure Clearance (valid to 23 June 2024)

2009 Solicitor, Supreme Court of New South Wales, Australia

Education

University of Oxford

2011 – 2013 Doctor of Philosophy in Law (2013). *The defendant's bad character in the wake of the Criminal Justice Act 2003*

2010 – 2011 Master of Philosophy in Law (topic as above, incorporated into DPhil thesis)

2009 – 2010 Bachelor of Civil Law reading Evidence, Advanced Property & Trusts, Conflict of Laws, and Civil Procedure

Australian National University, Canberra, Australia

2009 Graduate Diploma in Legal Practice

2002 – 2007 Bachelor of Laws (University Medal, and First Class Honours)

Bachelor of Science (specialising in Mathematics and Computer Science)

In 2013, Aparna completed her Doctorate in Law at Magdalen College, Oxford. She was supervised by Professor Colin Tapper (author of Cross and Tapper on Evidence) and Peter Mirfield (editor of The Law Quarterly Review). Her doctoral thesis included an exhaustive study of more than 500 Court of Appeal decisions dealing with evidence of the defendant's bad character (s 101 of the Criminal Justice Act 2003). Her research is a valuable resource in her daily criminal practice.

During her time at Oxford, Aparna tutored in several undergraduate law subjects, and edited the Oxford University Commonwealth Law Journal.

Aparna has security clearance and is frequently instructed in confidential and sensitive matters involving public interest immunity and legal professional privilege. She has recently acted for HM Treasury, the Home Office, the Foreign & Commonwealth Office, and for HM Courts & Tribunals Service.

Aparna is a registered public access practitioner and welcomes instructions from members of the public.

Recent Publications

Intelligence without immunity: MI5 and the right to crime, (Privacy International & Ors IPT 17 86 & 87 CH) Lexis®PSL on 15/01/2020.

'Section 74(1) of PACE: restating the limits', Arch. Rev. 2016, 6, 5-6, concerning the use of s.74 of the Police and Criminal Evidence Act 1984 to admit previous convictions into evidence.

Book Review, Remorse, Penal Theory and Sentencing (by Hannah Maslen, 2015), (2016) 132 Law Quarterly Review 346.

Book Review, Character in the Criminal Trial (by Mike Redmayne, 2015), (2016) 20(2) International Journal of Evidence and Proof: A tribute to Mike Redmayne.

Memberships

- Criminal Bar Association
- Young Fraud Lawyers Association
- Health & Safety Lawyers' Association
- Association of Regulatory & Disciplinary Lawyers
- Association of Women Barristers
- Proceeds of Crime Lawyers Association

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