

In The Chesterfield County Court

Case: OCD00865

Mr Martin Glasgow

Claimant

-V-

Mr Amandip Singh Johal

Defendant

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**DEFENCE**

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1. The Claimant has brought a claim of Fraud and Malicious Falsehood but has failed to particularise his allegations in relation to the cause of action. The Defendant denies all allegations of Fraud and Malicious Falsehood in their entirety.
2. The Defendant will say that the Claimant's claim is entirely without merit and discloses no reasonable grounds of bringing a claim for the following reasons: -
  - a. The Claimant alleges that the Defendant conspired with two police officers to produce fraudulent witness statements and records of taped interviews. The Defendant denies this allegation in full and notes that the Claimant has failed to provide any evidence in support of this extremely serious allegation.
  - b. The first three paragraphs of the Claimant's particulars bear no allegations of relevance to the claim of Fraud or Malicious Falsehood.
  - c. The fourth paragraph makes an allegation against PC 2574 Greatorex which bears no relevance to the allegation Fraud or Malicious.
  - d. The fifth paragraph raises allegations as to the level of injury sustained by the Defendant. The Claimant's and Defendant's injuries were fully known at trial.
  - e. The Claimant alleges in the sixth paragraph that the Defendant perpetrated the case of affray. The Claimant was found guilty by a unanimous verdict and beyond all reasonable doubt that he was the perpetrator of the affray.
  - f. In the CCRC letter the Claimant alleges that the Defendant was assisted in his preparation of his defence in the Criminal Trial by the CPS prosecutor; the Defendant denies this allegation and confirms that it is without merit. The allegations are totally

spurious with absolutely no evidence in support. To assist the Court the Claimant has provided 'evidence' in support of his conspiracy allegations. The Claimant encloses a photograph, fig 1 of the additional evidence bundle, which is a secondary school class photograph from May 1983 purporting to be the Defendant & CPS prosecutor. The Defendant denies that the photograph is of him and confirms that having been born in 1977 he was six years old at the time this photograph was taken and furthermore has never changed his name.

3. The Defendant will say that Claimant was found guilty beyond all reasonable doubt of perpetrating a vicious and racially motivated attack on the Defendant. Following a trial on criminal standard of proof the Defendant's witness evidence was found to be true and was without criticism. The Claimant's states in the CCRC review the Judge referred to the Claimant as 'a liar and a racist'.
4. To prove both Fraud and Malicious Falsehood the Claimant must prove that Defendant made a false statement. The Defendant's witness evidence has already been put to test in the Criminal Trial without any such finding. No new evidence has come to light following the Criminal Trial to support such an allegation. It would seem to the Defendant that the Claimant is attempting to use the Court process to harass the Defendant. The Defendant considers the attempt to bring this claim as an abuse of process and the Defendant invites the honourable Court to strike out the under paragraph 3.4 (2) (b) of the Civil Procedure Rules.
5. In support of the Defendant's stance that the Claimant's claim discloses no reasonable grounds of bringing a claim as the Claimant is unable to provide any evidence of a false statement; the Defendant refers the honourable Court to CCRC review of the Claimant's application to review the conviction enclosed with the Claimant's statement of case. The Claimant alleges that the Defendant has successfully conspired with the Claimant's legal team, two police officers, independent witnesses, the Judge and the CPS prosecutor to secure the Claimant's conviction and goes so far as to say that the CPS prosecutor has destroyed evidence and blames the police investigation for his resulting conviction. All of which is of course denied in so far as the Defendant's knowledge of the allegations will allow. The Defendant was not involved in any elaborate conspiracy. The honourable Court will note that as part of the case review the Claimant had sought the Defendant's acquittal to be quashed. The Defendant considers the words and views of the Court of Appeal when considering this request and the request in general to be perfectly apt for the present claim. The Court of Appeal considered the Claimant's application for an appeal on the 15 January 2008 and found that "The Grounds of Appeal, despite their length, do not disclose an arguable ground of appeal either against the conviction or sentence. There are a great many allegations but no coherent explanation as to why any have a realistic prospect of success". The Claimant has relied upon the same or similar grounds for this claim against the Defendant. The Court of Appeal has already found there are no

discernible grounds to suggest that the Defendant provided a false statement to secure the Claimant's conviction; likewise there are no discernible grounds to neither allege nor prove that the Defendant has committed either fraud or a malicious falsehood. In accordance with paragraph 3.4 (2) (a) the Defendant invites the honourable Court to strike out the claim against the Defendant on the grounds that the statement provides no evidence whatsoever of any false statement or dishonesty on the part of the Defendant.

6. The Defendant denies the Claimant's value of his claim but puts the Claimant's to strict proof of any such the loss. The honourable Court should note that the Claimant has pleaded his claim at one million pounds and in the additional bundle of papers has alleged that he has lost a sum in excessive of fourteen million pounds from the loss of revenue for businesses which he has not yet launched without any evidence whatsoever in support of the same.

I believe the facts statement in this Defence is true.

Signed ..... *A. M.* .....

Dated ..... *26/7/2010* .....