



# Anand Beharrylal QC

Call 1997

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Anand Beharrylal QC is a highly experienced barrister who is instructed to lead in both criminal and civil cases.

His criminal practice includes prosecution and defence in the full range of the most serious and complex criminal cases. These include murder/manslaughter, sexual offences (inclusive of child sexual offences, procuring abortions, prostitution etc), firearms offences, drug importation/supply, human trafficking, gang violence and serious organised crime.

Anand's business crime practice covers serious fraud (including property, mortgage and tax fraud), directors' disqualification, corruption, bribery, misconduct in public office, money laundering, restraint, account freezing orders and confiscation proceedings. Related civil law work includes directors' duties, civil fraud, freezing of assets, detention of cash, condemnation proceedings, restraint proceedings and judicial review/public law proceedings.

He also undertakes judicial review/public law cases arising from criminal or regulatory cases, actions against the police, habeas corpus for those unlawfully detained, wasted costs orders made or contemplated against solicitors, and professional negligence/misconduct of solicitors and doctors.

Anand's practice has a Caribbean dimension. He practices in Trinidad & Tobago in both criminal (inclusive of capital murder) and civil cases. He is also instructed in advisory and appellate work before the Judicial Committee of the Privy Council in both criminal and civil appeals from Trinidad & Tobago and other Commonwealth Caribbean territories.

As a [Direct Access](#) approved barrister, Anand is registered with the Bar Council to accept instructions directly from clients and is also approved to Conduct Litigation. To instruct Anand directly please contact the [Clerks](#).

## Practice Areas

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### Appeals

Anand has extensive experience in appellate work and practises at the highest levels. In criminal cases he appears in the Court of Appeal (Criminal Division) and in both criminal and civil cases he appears before the Judicial Committee of the Privy Council.

## Notable appeals cases

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### **Duncan v Attorney General of Trinidad & Tobago [2021] UKPC 17**

Trinidad & Tobago (Privy Council) – Human rights – Constitutional rights appeal – Constitution s4(a) right to liberty and security of the person – Whether s4(a) breached by incorrect loss of time direction imposed on prisoners following their partly successful appeals – Whether constitutional motion procedure appropriate to secure their release where only route of appeal was to Privy Council – Role of the State whether judicial, prosecutorial or executive in protecting human rights – Damages.

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### **Betaudier v Attorney General of Trinidad & Tobago [2021] UKPC 7**

Trinidad & Tobago (Privy Council) – False imprisonment – Wrongful arrest and detention – Whether information upon which arrest based sufficient – Whether evidence properly evaluated – Concurrent findings of fact – Damages.

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### **Amalgamated Workers Union v Chief Personnel Officer [2020] UKPC 17**

Trinidad & Tobago (Privy Council) – Employment – Unfair or constructive dismissal – Delay in disciplinary hearing – Delay in decision following completion of hearing – Whether evidence properly evaluated – Concurrent findings of fact – Jurisdiction to appeal from Industrial Relations Act 1972 or Constitution.

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### **De Zwarte Band v Kanhai [2019] UKPC 48**

Trinidad & Tobago (Privy Council) – Commercial – Role of directors – Breach of contract – Whether judgment creditor secured under Remedies of Creditor Act Chap 8:09 – Rights of spouse in matrimonial home – Sale of property where concurrent family proceedings disputing apportionment – Stay of execution – Remedies and right to enforce judgment.

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### **Republic Bank v Lochan & Another [2015] UKPC 26; All ER (D) 93 (Jun)**

Trinidad & Tobago (Privy Council) – Land – Possession of land appeal in Privy Council – Mortgage fraud – Expert survey evidence – Whether new claim can be raised in Reply where related to claim – Adverse possession – Doctrine of Priorities – Conflicting deeds of conveyance.

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### **Regina v AJR [2013] 2 Cr.App.R. 12, CA; [2013] 2 F.L.R. 1383**

England & Wales – Restraining Order – Whether special verdict amounts to an acquittal for the purposes of statute where the latter did not so provide – Whether criteria for making restraining order fulfilled – Whether restraining order for 5 years reasonable.

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### **Calix v Attorney General [2013] UKPC 15; [2013] WLR (D) 219**

Trinidad & Tobago (Privy Council) – False Imprisonment – Quantum – Good character – Whether good

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character has an objective value – Proper assessment of damages as to reputation where successful appellant member of lower income bracket.

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### **Regina v Brock [2010] EWCA Crim 1041**

England & Wales – Attempted Robbery – Commission of offence at the behest of others of younger age – Low IQ – Evidence of mental age of 11 years 4 months not available at sentencing – Sentencing Guidelines for Robbery.

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### **Panday v Espinet [2009] CV2007-04133**

Trinidad & Tobago – Application to recuse for apparent bias – Judicial officer (Magistrate) hearing evidence and giving adverse ruling in committal proceedings – Evidence the same as evidence to be heard in pending summary trial – Whether Magistrate wrong not to recuse – Whether circumstances give rise to apparent bias and breach of constitutional rights – Judicial review.

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### **Rambharose v Bovell [2009] UKPC 7**

Trinidad & Tobago (Privy Council) – Negligence and Estoppel by Representation of Fact – Whether vicarious liability could be a defence to an action for negligence against employee where he was found liable based on his admitted responsibility at the material time – Relevance and weight to be attached to letters written many months after critical representation made.

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### **Panday v Virgil [2008] UKPC 24; T.L.R.; [2008] WLR (D) 102; [2008] 3 W.L.R. 296, PC**

Trinidad & Tobago (Privy Council) – Whether finding of apparent bias in first trial is a bar to re-trial – Limitation period for repealed summary offence – Abuse of process re conduct of the executive – Abuse of process re age, state of health and inability to recover defence costs – Discretion to order costs in the appeal.

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### **Lawrence v Poorah [2008] UKPC 21**

Trinidad & Tobago (Privy Council) – Equitable doctrines of undue influence and unconscionable bargain – Sole issue before High Court whether donor of sound mind, memory and understanding – Whether Court of Appeal entitled to reverse decision of High Court on grounds not pleaded and for which permission to raise new grounds neither sought nor granted – Whether doctrine of unconscionable bargain applicable to gifts.

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### **Regina v Deyemi & Edwards [2007] EWCA Crim 2060; [2008] 1 Cr.App.R 25; (2008) 172 J.P. 137; [2008] Crim LR 327**

England & Wales – Possession of a Prohibited Weapon – Definition of possession – Concept of strict liability – Change in legal climate regarding offence of strict liability following the decisions of B v DPP [2000] 2 AC 428, R v K [2001] 3 All ER 897 and R v G [2004] 1 AC 1034 – Whether concept of strict liability affected by Articles 6 and 7 of the European Convention on Human Rights.

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**Regina v Drew & Others: Blackstone's Criminal Practice 2008 at B3.208; Blackstone's 2009 at B3.216**

England & Wales – Conspiracy to Control Prostitution for Gain – Definition of “control” – Whether includes element of compulsion and/or power to exert influence over another person’s behaviour – Applicability of Attorney-General’s Reference (No 2 of 1995) per Rose LJ on “control” for previous law.

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**Panday v Virgil [2007] MAG. APP. NO. 75 OF 2006**

Trinidad & Tobago – Knowingly making a False Declaration – Appearance of bias on the part of a judicial officer (Magistrate) – International judicial standards.

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**Regina v Willis [2007] EWCA Crim 79**

England & Wales – Conspiracy to Steal and Assault With Intent To Rob – Application of Sentencing Council Guidelines for Robbery – Young Offender – Departing from Guidelines – Lawfulness of concurrent sentences.

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**Regina v Crandle & Cullen [2006] EWCA Crim 2663**

England & Wales – GBH With Intent – Bad character notice – Lateness of service – Procedure for application – Application of Criminal Procedure Rules – Procedure for dealing with written jury question – Prosecution counsel going beyond scope of jury question in cross-examination – Sentencing range for GBH With Intent where no disabling or permanent injuries.

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## Business Crime

Anand has substantial experience in Business Crime. This includes serious fraud (including accounting, mortgage, tax fraud), corruption, misconduct in public office, bribery, misconduct of company directors and director’s disqualification. His knowledge and experience of commercial and company law is an asset when advising individuals and companies alike both pre-charge and pre-trial, especially in relation to complicated financial transactions and company structuring in both criminal and related civil cases.

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### Notable business crime cases

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**R v B & Others**

Conspiracy to Convert Criminal Property. Complex case involving multiple directors, employees and companies, excise fraud re importation of alcohol, complex modus operandi, complex company structuring and financial control. Anand was instructed to lead for the second defendant company director, which involved cross-examination of HMRC officers, money laundering experts and calling defence evidence.

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**R v Khan & Others**

Conspiracy to Commit Misconduct in Public Office. This conspiracy involved bribery, a serving customs officer, excise fraud re importation of alcohol, complex modus operandi, complex company structuring and financial evidence and circumventing HMRC approval procedures re WOWGR and MG. Anand was instructed to lead for the second defendant company director and successfully cross-examined two financial experts resulting in substantial concessions favourable to the second defendant.

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### **R v Pawlyn**

Theft and False Accounting. The offences involved deception of an elderly, unwell company director and theft from the company by an accountant. The deception was perpetuated by an elaborate deception accessing accounts, bona fide remuneration and compromising banking access preventing early discovery. The case involved detailed cross-examination of a forensic accountant on complex financial records and non-compliance with the rules for adducing expert evidence and expressing opinions.

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### **R v Chellerpermal & Another**

Human Trafficking for Exploitation and Employing Illegal Immigrants. Anand was instructed for the second defendant company director in this complex exploitation by deception involving care homes for the elderly and infirm. The case involved cross-examining numerous workers and a successful complex legal argument in relation to the issues of constructive knowledge, the lack of threat or use of force and employment law as to the minimum wage.

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### **VOSA v Wills & Banham**

Serious and complex MOT fraud. This fraud involved the owner/manager and an employee circumventing MOT computer testing protocols. Anand was instructed for the first defendant and successfully led a complex voir dire cross-examining VOSA officials and making an abuse of process argument involving VOSA's prosecution policy and practice, the application of the evidential stage test, contradictory disciplinary findings, failure to disclose those findings and the application of the ex post facto principle.

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### **Virgil v Panday (Trinidad & Tobago)**

Corruption and alleged breaches of the Integrity in Public Life Act. Anand was instructed as led junior in a long running case alleging corruption of a former Prime Minister. The first trial was followed by a successful appeal involving the apparent bias of the then Chief Magistrate, with severe implications for the then Chief Justice where improper interference was alleged. At the re-trial the defendant was acquitted.

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### **State v Galbaransingh & Others (Trinidad & Tobago)**

Receiving Corrupt Payment and Aiding and Abetting in Receiving Corrupt Payment. Anand is instructed as sole junior in this long running complex bribery and corruption case involving the construction of Piarco International Airport for the third and fourth defendants. The case involves complex issues of the required essential knowledge, role and involvement of multiple public bodies and companies, and the decision making matrix for determining tenders.

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## Confiscation

Anand has extensive experience in confiscation and related proceedings including Restraint Orders and Account Freezing Orders. He is regularly instructed in contested high value confiscation proceedings since the Proceeds of Crime Act 2002 became law. His advice is often sought prior to related criminal prosecution as related issues often arise during criminal trials that require early anticipatory preparation.

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### Notable confiscation cases

#### **R v R & P Ltd**

Account Freezing Order proceedings against director and company bank accounts arising from a long running investigation into alleged control of prostitution. Successful submissions resisting applications to freeze the accounts on grounds of failure to satisfy the condition of reasonable suspicion pre-charge. Ongoing.

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#### **R v S**

Restraint Order proceedings against real and personal property following a long running investigation by HMRC for converting criminal property allegedly arising from excise diversion fraud involving multiple companies and directorships. Successful submissions resisting extension of restraint order on grounds of delay pre-charge. Ongoing.

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#### **R v Ghafoor**

Confiscation proceedings in high value claim involving VAT, Corporation Tax, Excise Duty arising from multiple companies, directorships and accounts. HMRC sought in excess of £2 million. After a number of complex legal arguments, including a company law argument against piercing the corporate veil and the proper application of the reference in the Proceeds of Crime Act 2002 to lifestyle offences, the confiscation order was reduced to £7,700.

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#### **R v Iqbal**

Confiscation proceedings in high value claim involving gains from a fraudulent scheme involving academic undergraduate tuition and Colleges. The prosecution originally sought in excess of £1 million from the director. Following detailed analysis of the financial material resulting in concessions, legal argument and negotiation, the order was agreed in the total sum of £228,100.

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#### **R v Chellerpermal**

Confiscation proceedings in high value claim involving VAT, Corporation Tax, Minimum Wage and Employment Law e.g. as to provision of accommodation in the course of employment. The prosecution originally sought in excess of £1.9 million from two directors. Following detailed analysis of the financial material resulting in concessions, successful legal argument and negotiation, the order was agreed in the

total sum of £225,000 from each director.

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#### **R v Corda**

Confiscation proceedings in high value claim involving Conspiracy to Supply Class A Drugs. Following detailed analysis of the financial material and successful legal argument a minimal payment was agreed.

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#### **CDC v Fabb**

Confiscation proceedings in high value claim involving counterfeit / pirate films, games and other media. Following detailed analysis of the financial material and successful legal argument a minimal payment was agreed.

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## **Crime**

Anand has extensive experience in single and multiple defendant serious and complex general criminal cases. This includes armed robbery, firearms offences and drugs offences etc.

### **Notable crime cases**

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#### **R v B & Others**

Conspiracy to fraudulently evade the prohibition on the importation of goods (Class A and B drugs). Professionally planned conspiracy to import and supply involving over twenty people. Complex case involving cross-examination on detailed travel records e.g. ANPR, multiple vehicles, drugs expert evidence, complex cell site expert evidence and also substantial phone downloads, GPS, photographic, CCTV and expert evidence on fingerprints and DNA. Successful resistance to prosecution appeal. Anand led for the fourth defendant.

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#### **R v Yoxall & Others**

Conspiracy to rob with possession of firearms. Professionally planned conspiracy to rob a travellers' site involving over twenty people, arising in the context of the commission of drugs offences. The case involved cross-examination on detailed and complex cell site expert evidence and also included substantial phone downloads, GPS, photographic, CCTV, and expert evidence on fingerprints and DNA.

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#### **R v Paget**

Wounding with intent with firearm. Point blank shooting of a security guard following an altercation outside a nightclub. Offence caught on CCTV and resulted in serious injuries. The case involved substantial CCTV and cross-examination of numerous eyewitnesses and firearms and ballistic expert evidence.

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#### **R v Male & Others**

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Conspiracy to kidnap and false imprisonment. Well planned attack and kidnapping for ransom involving over eight people arising in the context of a gang dispute over drugs territory. The case involved cross-examination of the victims, detailed and complex cell site expert evidence, substantial phone downloads, GPS, photographic, covert surveillance and CCTV evidence.

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### **R v Rideout & Another**

Class A drugs supply operation. Sophisticated market targeting, contentious drugs valuations, covert surveillance, complex modus operandi and cut-throat defences.

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## **Environmental**

Anand has represented companies in environmental criminal and regulatory proceedings and for breaches of the Environmental Protection Act 1990.

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### **Notable environmental cases**

#### **Fisherman & Friends of the Sea v Environmental Management Authority (Trinidad & Tobago)**

Judicial Review and interpretation claim concerning public access to environmental impact assessments ('EIAs') held by the Environmental Management Authority ('EMA') on its national register. Fisherman and Friends of the Sea ('FFOS') is a non-profit company which campaigns for the protection of the environment and the promotion of sustainable development, sound environmental management, consultation, transparency and community empowerment throughout the Caribbean and internationally. The EMA is a statutorily appointed guardian of the environment in Trinidad and Tobago with its general functions being the development and implementation of policies and programmes for effective management and wise use of the environment; promoting educational and public awareness programmes on the environment; developing and establishing national environmental standards and criteria; monitoring compliance with standards; criteria and programmes as it relates to the environment and taking appropriate action for the prevention and control of pollution and conservation of the environment.

The claim involved a complex series of questions of law involving statutory interpretation, ultra and intra vires policy, duty of candour of public authorities, intellectual property, third party copyright, with the overarching issue in the claim being whether the EMA could claim third party copyright as a justification for not providing whole copies of an EIA, in light of its role, functions and obligations pursuant to statute and policy. Anand successfully led for FFOS refuting the claim submitted by the EMA that access to EIAs on its national register are restricted due to third party copyright, thereby allowing the public, NGOs like FFOS and stakeholders to acquire full copies of EIAs on payment of the prescribed fee. The court also endorsed FFOS's approach that EIAs should be made accessible digitally consistent with modern standards of protecting the environment.

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#### **LBL v Shaker Kitchens Ltd**

Company indicted for breach of the Environmental Protection Act 1990 in relation to commercial waste disposal, waste transfers and statutory administrative requirements for waste transfers. The prosecution



also applied to adduce evidence of bad character against the company for previous breaches. Anand mounted a complex pre-trial application to dismiss based on the 1990 Act, Companies Act 2006 and Waste Duty of Care Code of Practice, which was successful.

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### **R v Secretary of State for Transport ex p Marathon Ltd**

Judicial review of the Secretary of State challenging a decision arising from averred inadequate investigation into a competitor company's commercial conduct in placing products into the aftermarket and for failing to take regulatory action for alleged breaches of the Motor Vehicles (Replacement of Catalytic Converters and Pollution Control Devices) Regulations 2009, involving environmental protection (emissions) in the motor vehicle industry. Anand was instructed for the claimant company for judicial review, which resulted in a successful settlement of the claim.

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## **Fraud**

Anand has extensive experience defending in serious and complex fraud cases. His knowledge and experience of commercial and company law is an asset to advising individuals and companies alike both pre-charge and pre-trial. His attention to detail, especially in relation to complicated financial transactions, is widely regarded as second as none and he is widely sought after as leading counsel in such cases.

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### **Notable fraud cases**

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#### **R v B & Others**

Conspiracy to Convert Criminal Property – Complex case involving multiple directors, employees and companies, excise fraud re importation of alcohol, complex modus operandi, complex company structuring and financial control. Anand was instructed to lead for the second defendant company director, which involved cross-examination of HMRC officers, money laundering experts and calling defence evidence.

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#### **R v Khan & Others**

Conspiracy to Commit Misconduct in Public Office. This conspiracy involved bribery, a serving customs officer, excise fraud re importation of alcohol, complex modus operandi, complex company structuring and financial evidence and circumventing HMRC approval procedures re WOWGR and MG. Anand was instructed to lead for the second defendant company director and successfully cross-examined two financial experts resulting in substantial concessions favourable to the second defendant.

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#### **R v Okunsanye & Others**

Serious and complex £3m fraud against Wonga. The fraud involved the circumventing of online security procedures for obtaining payday loans using multiple false identities. Anand was instructed for the second defendant in a cut-throat defence involving the first and third defendants.

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#### **VOSA v Wills & Banham**

Serious and complex MOT fraud. This fraud involved the owner/manager and an employee circumventing MOT computer testing protocols. Anand was instructed for the first defendant and successfully led a complex abuse of process argument involving VOSA's prosecution policy and practice, the application of the evidential stage test, contradictory disciplinary findings, failure to disclose those findings and the application of the ex post facto principle.

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## International

Anand is a member of the bar of Trinidad & Tobago and has practised in that jurisdiction since 2001. His practice there encompasses both criminal and civil work. His services are regularly sought by local attorneys for High Court trials, appeals to the Court of Appeal and appeals to the Judicial Committee of the Privy Council in London.

### Notable international cases

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#### **RBGCCL v PSAEL & Attorney General (Trinidad & Tobago)**

Breach of contract claim by a long established general contractor in relation to a government initiated project to design and build the Hero's Park and Museum in Fyzabad, South Trinidad. Following a change in government the project was terminated with the relevant minister stating to parliament that this was essentially due to economic re-prioritisation.

The claim was brought initially against the employer under the contract as the only defendant. The employer, a State-owned company, filed a defence claiming it was not liable because it was the agent of the government ministry under a written agreement, the work was only partially completed and that the contractor abandoned the job without the contract being terminated. The government ministry in the name of the Attorney General was duly joined as a defendant and filed a bare defence denying agency.

The trial involved contested evidence from witnesses called by the contractor and employer. Anand successfully led for RBGCCL and in cross-examination the employer was shown, amongst other things, to have failed in its disclosure duties including in relation to important contemporaneous records and photographs. The Attorney General filed no evidence and did not cross-examine any witnesses. Judgment was given for the contractor.

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#### **Fisherman & Friends of the Sea v Environmental Management Authority (Trinidad & Tobago)**

Judicial Review and interpretation claim concerning public access to environmental impact assessments ('EIAs') held by the Environmental Management Authority ('EMA') on its national register. Fisherman and Friends of the Sea ('FFOS') is a non-profit company which campaigns for the protection of the environment and the promotion of sustainable development, sound environmental management, consultation, transparency and community empowerment throughout the Caribbean and internationally. The EMA is a statutorily appointed guardian of the environment in Trinidad and Tobago with its general functions being the development and implementation of policies and programmes for effective management and wise use of the environment; promoting educational and public awareness programmes on the environment; developing and establishing national environmental standards and criteria; monitoring compliance with standards; criteria and programmes as it relates to the environment and taking appropriate action for the

prevention and control of pollution and conservation of the environment.

The claim involved a complex series of questions of law involving statutory interpretation, ultra and intra vires policy, duty of candour of public authorities, intellectual property, third party copyright, with the overarching issue in the claim being whether the EMA could claim third party copyright as a justification for not providing whole copies of an EIA, in light of its role, functions and obligations pursuant to statute and policy. Anand successfully led for FFOS refuting the claim submitted by the EMA that access to EIAs on its national register are restricted due to third party copyright, thereby allowing the public, NGOs like FFOS and stakeholders to acquire full copies of EIAs on payment of the prescribed fee. The court also endorsed FFOS's approach that EIAs should be made accessible digitally consistent with modern standards of protecting the environment.

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### **State v Galbaransingh & Others (Trinidad & Tobago)**

Receiving a Corrupt Payment and Aiding and Abetting in Receiving a Corrupt Payment – Knowledge of essential matters – Actual role in participation – Involvement of State or public body – Decision making matrix for determining tender for construction of Piarco International Airport (Trinidad) by a private company – Sufficiency of evidence and proper inferences

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### **Virgil v Panday (Trinidad & Tobago)**

Corruption and alleged breaches of the Integrity in Public Life Act. Anand was led in a long running case alleging corruption of a former Prime Minister. The first trial was followed by a successful appeal involving apparent bias of the then Chief Magistrate, with severe implications for the then Chief Justice where improper interference was alleged. At the re-trial the defendant was acquitted.

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### **SH v Government of India (England & Wales)**

Alleged breach of contract for legal services in the High Court (London) – International arbitration – Status of standard terms of business – Contract terms contained in letter as basis for retainer – Whether letter to prevail in the event of conflict with standard terms – Drafting defence and counterclaim

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### **R v Mohammed (Trinidad & Tobago)**

Capital Murder involving joint enterprise. Anand was instructed as sole counsel and formulated a complex successful legal argument to quash the indictment post-committal on the basis of insufficient evidence.

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## **Judicial Review**

Anand has substantial experience in judicial review in both criminal and civil cases. His experience includes challenging decisions of Magistrates' and Crown Courts as well as government departments and other public bodies exercising quasi-judicial functions.

## Notable judicial review cases

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### **Fisherman & Friends of the Sea v Environmental Management Authority (Trinidad & Tobago)**

Judicial Review and interpretation claim concerning public access to environmental impact assessments ('EIAs') held by the Environmental Management Authority ('EMA') on its national register. Fisherman and Friends of the Sea ('FFOS') is a non-profit company which campaigns for the protection of the environment and the promotion of sustainable development, sound environmental management, consultation, transparency and community empowerment throughout the Caribbean and internationally. The EMA is a statutorily appointed guardian of the environment in Trinidad and Tobago with its general functions being the development and implementation of policies and programmes for effective management and wise use of the environment; promoting educational and public awareness programmes on the environment; developing and establishing national environmental standards and criteria; monitoring compliance with standards; criteria and programmes as it relates to the environment and taking appropriate action for the prevention and control of pollution and conservation of the environment.

The claim involved a complex series of questions of law involving statutory interpretation, ultra and intra vires policy, duty of candour of public authorities, intellectual property, third party copyright, with the overarching issue in the claim being whether the EMA could claim third party copyright as a justification for not providing whole copies of an EIA, in light of its role, functions and obligations pursuant to statute and policy. Anand successfully led for FFOS refuting the claim submitted by the EMA that access to EIAs on its national register are restricted due to third party copyright, thereby allowing the public, NGOs like FFOS and stakeholders to acquire full copies of EIAs on payment of the prescribed fee. The court also endorsed FFOS's approach that EIAs should be made accessible digitally consistent with modern standards of protecting the environment.

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### **R v Secretary of State for Transport ex p Marathon**

Judicial review of the Secretary of State for failing to take regulatory action for breaches of a statutory instrument involving environmental protection in the motor vehicle industry.

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### **Oak Furniture Land v ASA Adjudicators**

Judicial review of advertising review body for upholding a complaint in relation to advertising standards when their own Code of Practice did not support such conclusion and ran counter to it.

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### **Panday v Espinet (Trinidad & Tobago)**

Judicial review of Magistrate's decision refusing to recuse herself in a corruption case on the grounds of apparent bias.

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## Murder & Manslaughter

Anand has extensive experience defending in serious and complex murder cases. One of his earliest notable murder trials was in 2005 where following the trial Anand was instructed to replace a distinguished

leading Silk for the appeal and secured an acquittal on a charge of murder in *R v Green* [2005] EWCA Crim 2513; (2005) 149 S.J.L.B. 1350, CA (cited in Archbold), which set a precedent for providing written directions to a jury.

From his early years of criminal practice Anand has been instructed in multiple defendant cases involving extreme violence and homicide. For almost twenty years he has been regularly instructed to defend in such cases and on taking Silk to lead homicide cases. He has vast experience in relation to the law on police interviews, identification, complex cell-site evidence, DNA, fingerprint, blood spatter, gun-shot residue and unusual medical conditions.

## Notable murder & manslaughter cases

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### **R v B**

Murder and manslaughter. The case was a complex one involving blood spatter, DNA, fingerprints, entomology, phone records and banking documents, pathology and psychiatric reports. This evidence was challenged by Anand in cross-examination. The alternative defence of diminished responsibility was also mounted on the basis that if the defendant had committed the act the psychiatric evidence showed that his mental state at the material time was such that he could not be convicted of murder, only of manslaughter. The latter involved careful and detailed cross-examination of the psychiatrist called by the prosecution.

At the conclusion of the prosecution case the defence made a submission of no case to answer on the charge of murder based on the legal principles arising from a proper application of the Homicide Act 1957 s2, *Brennan* [2014] EWCA Crim 2387; [2015] 1 Cr. App. R. 12 and *Golds* [2016] UKSC 61; [2017] 1 Cr. App. R and *Matheson* (1958) 42 Cr. App. R. 145, CCA. That submission was conceded on the basis that there was no basis to reject diminished responsibility even if the defendant committed the act due to his mental state at the material time. The defendant was thereafter tried for manslaughter and convicted on the basis of diminished responsibility. He was sentenced to a hospital order with restriction under the Mental Health Act 1983.

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### **R v C & Others**

Murder and manslaughter. Complex case alleging murder of perceived rival gang member in London. Extensive cross-examination of eyewitnesses, police officers, experts and co-defendant. Extensive phone, media, cell site and CCTV evidence and pathology. Anand led successfully for a young defendant in securing acquittals on charges of both murder and the alternative of manslaughter. The defendant was charged on the basis of the law of joint enterprise following a fatal attack in North London in April 2019. The prosecution evidence involved substantial and complex phone traffic, cell site, DNA, fingerprint and CCTV evidence from multiple sources.

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### **R v A & Others**

Murder, assisting an offender and supplying class A drugs. Complex case alleging murder of rival drug dealer in a turf war in Cardiff. Extensive cross-examination of eyewitnesses, alleged rivals, pathologist, confession and cut-throat defences. Extensive phone, media, cell site and CCTV evidence and pathology.

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### **R v Sullivan & Another**

Murder/Manslaughter and supplying class A drugs involving County Lines. Complex case alleging murder of a drug user during suspected attempt to rob drug dealers. Extensive cross-examination of eyewitness, pathologist, also involving cut-throat defences and cross-examining teenage co-defendant, where both defendants acquitted of murder. Extensive phone, media, cell site and CCTV evidence and pathology. Case also involved a successful application to re-open the defence case following late prosecution disclosure of evidence that supported defence case.

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### **R v Ahmed & Another**

Murder and supplying class A drugs involving County Lines. Complex case involving murder of a drug user. Alibi. Extensive cross-examination of witnesses before and after event, pathologist and cell site expert, also involving cut-throat defences. Extensive phone, media, cell site and CCTV evidence and pathology.

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### **R v Hutton**

Murder. Complex case alleging murder of debt collector by drug user arising from robbery to purchase drugs. Cross-examination of drug dealer, expert witnesses and presentation of extensive police interviews. Extensive evidence of phone, media, cell site, CCTV, blood spatter analysis and pathology.

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### **R v Boakye & Others**

Murder, conspiracy to murder and supplying class A drugs. Complex case alleging lynching of drug addict for robbing drug dealer and cross-examination of eyewitnesses. Extensive phone, media, cell site and CCTV evidence. Successful application to dismiss drugs offences pre-trial where drugs offences were alleged to be the motive for the murder.

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### **R v Warnock**

Murder and rape. Led. Historic offences. The case involved complex expert evidence including DNA (degradation of samples and historic standards of obtaining and storing samples) and Dental impressions (movement of teeth over 30 year period, causation, effect of post-mortem on sample). Anand made a successful argument to exclude evidence of child offences on arrest sought to be adduced as bad character and joinder for the murder trial.

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### **R v Mahdi**

Murder involving complex medical evidence. Led. The case involved complex expert cardio-thoracic evidence, expert blood chemical evidence and causation evidence. This required forensic cross-examination of prosecution expert evidence and amending the defence statement in light of the new expert evidence. Following a trial and re-trial the defendant was acquitted of murder and manslaughter.

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### **R v Radpaul**

Attempted murder of an infant. Sole counsel. The case involved complex psychiatric evidence and a complex legal argument in relation to the law on insanity. Following cross-examination of numerous police

and eyewitnesses and a psychiatrist at trial, the defendant was found not guilty by reason of insanity.

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### **R v Toto & Others**

Attempted Murder resulting in permanent disability. Sole counsel. The case involved complex cell-site and gunshot residue evidence, cross-examination of witnesses, as well as alibi. The case also involved legally complex issues in relation to related proceedings for possession of the firearm. Following trial and appeal the defendant was acquitted.

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### **R v Mohammed (Trinidad & Tobago)**

Capital Murder involving joint enterprise. Sole counsel. Formulated a complex successful legal argument to quash the indictment post-committal on the basis of insufficient evidence.

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## **Professional Discipline**

Anand has significant and varied experience in professional discipline work, which encompasses both discipline and professional negligence. In this regard he has advised and appeared in high value claims involving serious misconduct or negligence, including where death has occurred.

### **Notable professional discipline cases**

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#### **TTMB v Dr A (Trinidad & Tobago)**

Dr A charged before TTMB with providing a false reference raising issues of probity. Anand is instructed to lead.

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#### **GMC v Dr S**

Doctor charged with offences before the GMC involving issues of probity in representations made to police on investigating a road traffic offence. Anand represented the doctor where the act was not disputed. After calling evidence and making legal submissions a minimal penalty was imposed.

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#### **CPS v Dr R**

Doctor accused of multiple road traffic offences. Anand represented the doctor making a successful legal argument resulting in the prosecution conceding the charges were duplicitous or unnecessary, and only one charge was appropriate. This mitigated the impact to nil on the doctors' regulatory position with the GMC.

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**Campbell v Hamlet (as executrix) [2005] UKPC 19; (2005) 66 WIR 346; [2005] 3 All ER 1116 (Trinidad & Tobago - Privy Council)**



Attorney at law – Disciplinary Proceedings – Allegation tantamount to criminal offence – Distinction between civil and criminal standard of proof – Standard of proof to be applied – Delay of 8 years.

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## Serious Sexual Offences

Anand has extensive experience defending in serious sexual offence cases. These have included multiple defendant rape cases, child rape and sexual assault cases (including in family settings), multi-handed grooming, trafficking and prostitution cases. Anand was also involved in the case of *R v Drew & Others* (cited in *Sexual Offences Law and Practice* by Rook and Ward) on the modern definition of controlling prostitution. In recent years, as these types of cases have increased, they have become a more prominent feature of Anand's practice.

### Notable serious sexual offences cases

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#### **R v AS & Others**

Multi-handed grooming, trafficking, rape and indecent assault case in Rotherham against multiple complainants over approximately a two year period. Lead counsel for the first defendant. The case involved multiple defendants alleging grooming and trafficking for sexual exploitation approximately 20 years before. Sensitive and restricted cross-examination with special measures and intermediaries including for defendant.

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#### **R v M & Others**

Conspiracy to control prostitution, trafficking and money laundering. Leading for second defendant prostitute and manager. Complex case involving cross-examining over ten sex workers alleged to have been trafficked from Romania. Prostitution operation based on a non-coercion business model. Substantial and complex modus operandi and financial evidence. Acquittal on main charge of international trafficking. Complex sentencing exercise resulting in short sentence and successful resistance to the imposition of a Slavery and Trafficking Prevention Order under the Modern Slavery Act 2015.

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#### **R v G**

Child rape and sexual assault. Sole counsel. The case involved historical allegations against a father by his children. Following sensitive and restricted cross-examination of the children and more robust cross-examination of adult parental witnesses the case was discontinued.

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#### **R v IF & Others**

Multi-handed grooming, trafficking, rape and sexual assault case. Sole counsel for the third defendant. The case involved multiple defendants alleging trafficking for sexual exploitation. Following Sensitive and restricted cross-examination, and challenge to cell site, phone data and social media evidence. Defendant acquitted.

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## R v M

Controlling prostitution. Sole counsel. Complex case involving female owner of internet sexual services provider. None of the sexual services or activities of the prostitutes were denied. Complex sentencing exercise resulting in suspended sentence.

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## R v D & Others

Conspiracy to control prostitution, trafficking and money laundering. Sole counsel for second defendant bookkeeper in complex case involving cross-examination of sex workers alleged to be trafficked within the UK, as well as support workers to facilitate trafficking. Defendant acquitted.

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## R v C

Child rape. Sole counsel. The case involved allegations against an elderly great-grandfather. Following sensitive and restricted cross-examination of the child and robust cross-examination of the parents a financial motive was identified. The case also involved complex expert evidence on sexual/hymen injuries for the prosecution and the defence, defence expert evidence on erectile dysfunction and causation. Defendant acquitted.

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# Memberships

- Constitutional & Administrative Bar Association
- Criminal Bar Association
- Law Association of Trinidad & Tobago

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# Education

- LLB Hons (Herts)
- LLM (Lond)

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# Qualifications

- Attorney at Law (Trinidad & Tobago)
- Barrister at Law (England & Wales)
- Litigation Qualified

## Directory Quotes

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- “Intensely driven and very intelligent.” **Chambers & Partners 2022**
- “Anand’s strengths are client care, attention to detail, and excellent manner with a range of clients. If I was ever in need of representation, he would be at the top of my list.” **Legal 500 2022**
- “His easy charm puts clients at ease immediately.” **Legal 500 2021**
- “Anand’s strengths are his charm and meticulous preparation. On his feet he is completely on top of his brief and completely unfazed even under pressure.” **Chambers & Partners 2021**
- “Diligent and knowledgeable, his attention to detail is second to none.” **Chambers & Partners 2021**
- “A charming advocate who is able to make the most difficult submissions compelling.” **Legal 500 2020**