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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

16th day of January 2025

in the case of

REX

V

21170853 Sergeant Surendrakumar TAMLING

29 Regiment, The Royal Logistic Corps

JUDGE ADVOCATE

Judge Smith

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: You can stay sitting down, Sergeant Tamling. I am going to explain to you the decision that we have made. It will take longer than you think because I have got to explain why we came to this decision and make sure you understand the implications of the decision. I will tell you at the outset we are not going to send you immediately into prison. You must be very anxious about that, and I would rather just tell you that at the beginning of these sentencing remarks.

You are 43 years old; you have been in the Army for in excess of 22 years, you have only got another year left to serve before you retire and it has been a blameless career. You have got an operational service medal for Iraq, you have got a number of references of people who work with you who speak very, very highly of you. You are a family man, you have got a loving and supportive family, there is a reference from your wife, your two children are aged 17 and 15, they are at boarding school with good prospects ahead of them and you are to be commended for your hard work over that period of time to do all that for your family.

But you have really let yourself down and your family down and your regiment down with regard this offence because we are to deal with you for a single offence of theft of €10,150.00. That amounted, at the exchange rate in February last year, to £8,572.00. Part of your duties in the Postal and Courier Troop in Dhekelia was that you were trusted to have access to the post office float. You on 16th to 19th February were the only person with the key and on 18th February you accessed the safe where the money was and helped yourself to that large amount of money in Euros. It was not a sophisticated offence, there was only you who could have done it, so what does stand in your favour is first of all when confronted you pleaded guilty, and you accepted what you had done and secondly you did not try and cover this up and suggest that anybody else might be responsible. And, as I say, it was not sophisticated, you have not tried to cover your tracks in any way. It was absolutely inevitable that you would be caught for stealing the money. And in your own mind, and we know now that you have got a gambling addiction, you no doubt took the view “well I am not going to get caught” because as all gamblers who are committed and addicted gamblers think “well this time I am going to win” and you say, and there is no reason to suggest otherwise, that you took that money and you went to a casino and gambled it thinking you were going to win and pay off all your debts. But of course, you did not, you lost that money as well. Your colleagues were very, very concerned about you, the chain of command became involved, you admitted what you had done, you were very upset about it and, as I say, you pleaded guilty at the first opportunity before this Court.

I have referred already to your references. Your line manager, Captain Farndale, refers to you as being one of the finest senior NCOs that he has ever served with. So, there is absolutely no pleasure that this Court has in dealing with somebody like you after that lengthy career, coming towards the end of that career, to have to deal with you with regard to this offence. But it is an extremely serious offence not least because you were in a position of trust. You know already that the values and standards of the Armed Forces are such that dishonesty is completely inconsistent with those values and standards and the Judge Advocate General in his guidelines says why; that when there is a thief among the unit in the Armed Forces it is corrosive to unit cohesiveness and morale and breaches the bond of trust which exists between Service personnel. And the Judge Advocate General says this:

“Dismissal will be appropriate in all but the most minor cases.”

And there is no way we can consider that this is anything approaching a minor case. We have to consider dismissing you. The statute requires that the offence is so serious that dismissal is warranted and given the observations from the Judge Advocate General the position that we, I am afraid, quickly came to was that you must be dismissed from the Armed Forces with regard to this offence.

Well, what else are we to do with you? Were you a civilian coming before a Crown Court or a Magistrates’ Court with regard to this offence we would be required to follow the sentence guidelines which are set out. The prosecution rightly say this is a high culpability offence because of the fact that you were in a degree of trust, you had got sole access to large amounts of cash working where you did in the postal office. And the prosecution say on those guidelines it is harm 3. This is medium value of goods stolen. For a bracket of between £500.00 and £10,000.00 the starting point for somebody in the Crown Court, before any consideration of credit for guilty plea, would be one year’s imprisonment with a range of sentence from 26 weeks to two years’ custody. Having dismissed you the following options are open to us. We could take the view that any sentence imposed upon you needs to be served immediately because the offence is so serious that that is justified. But we step back from that position. There is a huge amount of pressure on prison places at the moment. Prison is not the place for you if there is any alternative. And taking the view that the dismissal in itself is already significant punishment we take the view that the appropriate sentence upon you is one that can be suspended. Had you not pleaded guilty the appropriate sentence would have been 12 months imprisonment. You pleaded guilty at the first available opportunity, and we give you a one third discount and we suspend that 8 month sentence for a period of 12 months. We are going to attach an unpaid work order so during that 12 months period you will be required to do 120 hours of unpaid work in the community and the Probation Service will give you further details with regard to when you are required to attend upon that sentence.

This is an appropriate case for a service compensation order. You are due to receive your pension and lump sum gratuity, you have offered out of that gratuity to pay back the money which has been stolen. We make a service compensation order in the sum of £8,572.65 and that must be paid back within the course of the next 12 months, and we identify the lump sum that you are due to receive as being your source of funds as to why we think it appropriate to make that order because that money will be available.

What does that sentence mean? You will not have to serve that sentence of 8 months imprisonment. As long as you attend when required to do on the unpaid work order and do those hours without complaint then at the end of that 12 month period that will be the end of the sentence. But were you to breach the order without reasonable excuse, not attending when required to do so, then you may be brought back before the Crown Court and if they take the view you are not prepared to do that unpaid work, they may order that the sentence is served immediately. In the unlikely event that you commit any further offences which carry imprisonment over the course of that 12 month period then again you could be brought back before the Magistrates' or the Crown Court, sentenced for any new offence and also made to serve the 8 months sentence. But given you are 43 and a man of impeccable character until this sad point in time we take the view that that is unlikely in the extreme. Had we had a constructive proposal available that the Probation Service could do work with you in addressing your gambling addiction then we would have considered that rather than make an unpaid work order. But you are a sensible man, you have taken to some extent your destiny in your own hands. You know a gambling addiction is not going to go away. It is like an alcohol addiction or a drug addiction. Once you are addicted you are always going to be an addict. If there is help available in the community or through the Service charities, then we encourage you to take that up. Your wife, your friends, everybody who knows you have, and we understand why, stood by you on this occasion but you really cannot let them down again going forward. You understand that?

DEFENDANT: Yes, your Honour.

SENTENCE

PRESIDENT OF THE BOARD: The sentence of this Court Martial is that you be dismissed from His Majesty's Armed Forces, we pass an 8 month sentence of imprisonment, that will be suspended for 12 months. You will be required to perform 120 hours of unpaid work in the community, you will pay a Service compensation order of £8,572.65.