

Refuting the evidence

Home Secretary Sajid Javid has recently agreed to the extradition of Indian billionaire Vijay Mallya back to India to face charges of alleged fraud and money laundering to an estimated Rs 90 billion. However, Mr Mallya's position has always been that there is "no evidence to justify" his extradition.

The case started back in 2013 when a consortium of Indian banks led by the State Bank of India approached Mr Mallya's United Breweries Holdings Ltd for payback of a loan amounting to Rs 65 billion on behalf of another of his businesses, Kingfisher Airlines.

The amount was not repaid and Mr Mallya moved to the UK in March 2016. A year later, India sent an extradition request to the UK and in April 2017, Mr Mallya was arrested and released on bail.

The extradition trial started in December 2014 during which Mr Mallya's defence lawyers claimed there was no evidence to support the "nonsensical" case of fraud against him. However, Mr Mallya did offer to pay back almost 80 per cent of the principal loan amount.

There can sometime be an element of "he would say that" when someone is accused of fraud, but it is up to the forensic investigators on the part of the prosecution to prove that fraud was committed. Likewise, it is up to the investigators for the defence to prove that its client is innocent.

In the end, whether or not Mr Mallya goes back to India to face the charges – he has a chance to appeal in a higher court before this is finalised – his forensic team will have been pulling all the evidence together it can to establish that his actions were not fraudulent. It will also be working to prove that the 'evidence' held by the prosecution is not proof of guilt.

Roger Isaacs, Head of Forensic Accounting at Milsted Langdon, explained: "This case highlights the importance of having a team of forensic accountants that is able to drill down on the facts and figures to either prove or disprove fraud.

"For both parties having that knowledge to hand and being able to demonstrate it effectively to the courts can be the difference between success and failure, which is why it is so important to seek professional help."