

# Nutan Fatania

Junior Counsel - Under 15 Years

CALLED 2013



**Nutan predominantly specialises in crime and conducts cases in the Crown Court involving firearms, violence, controlled drugs, fraud, sexual offences and offences of dishonesty. She has prosecuted and defended in Crown Court trials and taken conduct of a range of hearings in the Youth Court.**

## **Background and Expertise**

Nutan completed her pupillage with the Crown Prosecution Service ('CPS') and continues to build a strong prosecution practice. She is a CPS Panel Advocate at Level 3. Nutan's training and varied experience has enabled her to become a robust and thorough advocate. Nutan's ability to build a rapport with a variety of people has assisted her in building a criminal defence practice.

Nutan has completed the vulnerable witness training. She has represented vulnerable adult and youth defendants and has experience of cross-examining young witnesses that have required intermediaries and a ground rules hearing.

With respect to a regulatory practice, Nutan has presented on behalf of Social Work England and the General Optical Council. In addition, prior to pupillage, Nutan was a Legal Assistant in the Regulatory department at Kingsley Napley Solicitors investigating fitness to practise matters for the Health and Care Professions Council.

Nutan was also a Civil Litigation Paralegal at Hickman and Rose Solicitors where she assisted in actions against the police, judicial reviews and inquests (acting for the bereaved families), namely that of Darren Neville who died a few months after being restrained by the police as well as the In Amenas Inquest which investigated the deaths that occurred during the terrorist attack on a BP gas plant in Algeria.

## Notable Cases

### Driving

#### **R v H, 2022**

Represented a 19-year-old Defendant at trial for a count of causing the death of a 14-year-old pillion passenger by dangerous driving, having already pleaded guilty to being unlicensed, uninsured and aggravated vehicle taking. The Defendant was 17 years old at the time of the offence with various vulnerabilities including having Attention Deficit Hyperactivity Disorder and Oppositional Defiant Disorder. Following significant mitigation being presented, the Defendant was sentenced to 2 years' and 9 months imprisonment in total.

Central Criminal Court

### [Driving](#)

### Drugs

#### **R v J, 2021**

Led by Nicholas Worsley KC, represented a Defendant facing a count of conspiracy to supply multi-kilos of Cocaine, Class A drugs in an operation involving around 12 Defendants and spanning several cities. The case was split into several trials with the trial involving Mr J lasting 6 weeks.

St Albans Crown Court

#### **R v B, 2019**

The Defendant faced two charges of possession with intent to supply Class B where he had been found in possession of weighing scales, a substantial amount of cannabis and written lists which the Crown stated was evidence of a supply operation. Nutan adduced sufficient evidence from the Defendant in support of his defence that the cannabis was only for personal use and he was subsequently acquitted of both charges.

King's Lynn Magistrates' Court

### **R v P, 2019**

Represented a Defendant who pleaded guilty to possession of an imitation firearm with intent to cause fear of violence and was facing a minimum custodial sentence of 5 years. Successfully argued that there were exceptional reasons for not imposing the minimum term and that the Defendant was suitable for a suspended sentence order ('SSO'). The Defendant breached the SSO weeks later by committing further offences. Nutan successfully argued that it was unjust to activate the SSO and the order was allowed to continue.

Lewes Crown Court

### **Drugs**

## Financial Crime

### **R v K and others, ongoing**

Produced an extensive pre-charge written advice resulting in six Defendants being charged with a conspiracy to commit fraud to customers of HSBC bank. The advice considered the position of an employee of the bank who is the first Defendant, carefully analysed the numerous transactions, interactions and evidential links to funds was received by the other Defendants. A trial date has been set for 2025.

Inner London Crown Court

### **R v D, 2023**

Instructed to represent the first Defendant, jointly charged alongside her husband for fraud in excess of £100,000 in relation to her father's bank accounts and residential property in South Africa. The complainant was an elderly blind man in a wheelchair for whom a pre-recorded (s28 YJCEA 1999) cross-examination had taken place over the course of a few days.

Aylesbury Crown Court

## **R v H & Others, 2022**

Instructed as Junior Counsel by the CPS, led by Leading Counsel, Diana Wilson. Prosecuted 6 Defendants in an estimated over £100 million money laundering case involving 13 counsel and two separate conspiracies. Count 1 was an Encrochat conspiracy with international elements and Count 2 was more domestic, conducted over different encrypted communications systems with a haulage business being used to direct the conspiracy. The case involved cell site, electronic communications evidence and numerous legal applications. The trial was listed for 8 weeks following which the jury convicted all 6 Defendants.

Stoke-on-Trent Crown Court

CPS report [here](#)

### **Financial Crime**

General Crime

## **R v M, 2023**

Represented a Defendant at sentence in a case involving a conspiracy to burgle count with around 20 Defendants. The Defendant pleaded guilty at the outset of the trial. Complex sentencing exercise over two days with consideration of a modern slavery and human trafficking report. Judge took notional starting point of 13 years for the overall conspiracy. Following significant mitigation being put forward for the Defendant, he received a sentence of 4 years and 8 months' imprisonment.

Maidstone Crown Court

## **R v Z, 2020**

Represented a Defendant who pleaded guilty to an aggravated burglary which included a knife being carried upstairs and one of the residents being present at the time. The Crown placed the matter in Category 1 on the sentencing guidelines, with a starting point of 10 years. Successfully persuaded the court that the Defendant's good character, young age and personal mitigation justified a significant reduction in the starting point. The Defendant was sentenced to 2 years and 7 months' imprisonment.

Harrow Crown Court

## **R v B, 2020**

Represented a Defendant who pleaded guilty to a breach of a restraining order, affray, assault occasioning actual bodily harm, assault by beating and two counts of criminal damage. The Defendant was also in breach of two suspended sentences which were offences against the same complainant as the recent offences. Despite the seriousness of the current and past offending, Nutan successfully persuaded the court to impose another suspended sentence order with a DRR attached.

Snaresbrook Crown Court

### **R v S, 2020**

Represented a Defendant who had pleaded guilty to being in possession of counterfeit currency which was in breach of a previous community order that had been imposed for like offences. The custody threshold had been passed but substantial mitigation was put forward, namely with reference to the Defendant's complex mental health background. The Defendant was sentenced to another community order.

Inner London Crown Court

### **R v B, 2019**

Successfully opposed a hearsay application resulting in the Crown offering no evidence on a count of threatening with a bladed article. Following significant mitigation being put forward, the Defendant was sentenced to a low level community order after pleading guilty to the second count of possession of a bladed article.

St Albans Crown Court

### **R v S, 2019**

Successful written submissions made to the Crown under s76 PACE 1984 to exclude the 'confession' the Defendant made in his police interview regarding assaulting his ex-partner. The Defendant was acquitted at trial.

Stratford Magistrates' Court

### **R v S, 2018**

Represented a Defendant for a dwelling burglary charge within a domestic context. Whilst the defendant accepted entering the premises and taking items, Nutan successfully argued that the legal elements of the offence had not been made out. The Defendant was acquitted after trial.

Highbury Corner Magistrates' Court

## Investigations and Inquiries

### **Grenfell Tower Inquiry, 2019-2022**

Nutan, instructed by the London Fire Brigade as junior counsel, assisted with a review of the evidence for Phase 2 of the Grenfell Tower Inquiry, also dealing with matters of disclosure.

#### [Investigations and Inquiries](#)

## Rape and Sexual Offences

### **R v Y, 2024**

Represented the Defendant for two counts of rape following an investigation by the French authorities. There were significant legal arguments in relation to the material provided by the French authorities and involved a voir dire.

St. Albans Crown Court

### **R v B, 2019**

Represented a Defendant on appeal regarding a charge of sexual assault. The two-day hearing involved cross-examining four prosecution witnesses and adducing evidence from the Appellant and a witness for the Appellant. The Appellant was acquitted.

Guildford Crown Court

#### [Rape and Sexual Offences](#)

## Violence

### **R v A, 2022**

Represented a Defendant facing a court of unlawful wounding against his former partner, namely accused of having thrown a mug at the complainant's head resulting in a laceration above the eyebrow. At trial, Nutan adopted an effective trial strategy involving a successful non-Defendant bad character application against the complainant relating to her conduct towards the Defendant in the past. The Defendant was acquitted of unlawful wounding.

Ipswich Crown Court

### **R v G, 2021**

Prosecuted a Defendant who was convicted of the offence of ABH within a domestic context at the retrial. The Defendant had been recalled on his sentence of life imprisonment following a conviction for attempted murder in 2003. Pursued a prudent case strategy to adduce the bad character at the appropriate time including the conviction for attempted murder.

Basildon Crown Court

### **R v E, 2018**

Represented a Defendant who had pleaded guilty to committing actual bodily harm within a domestic context, dangerous driving, possession of Class A and B drugs, drink driving and a breach of a suspended sentence order (SSO). Successfully argued that it was unjust to activate the SSO and that it was appropriate to impose standalone suspended sentence orders for the remaining matters.

Basildon Crown Court

### **R v M, 2018**

Represented a 17 year old charged with inflicting grievous bodily harm. Successfully cross-examined the prosecution witness on his inconsistent account of how the Defendant had assaulted him resulting in a fractured foot. The Defendant was acquitted.

Romford Youth Court

[Violence](#)

## **Achievements**

### Memberships

- Lincoln's Inn
- Criminal Bar Association
- Young Legal Aid Lawyers Association

### Appointments

- CPS Panel (Grade 3)
- CPS POCA Panel (Grade 2)
- CPS Fraud Panel (Grade 3)

## Education

- Kaplan Law School, BPTC, 2013
- King's College London, Law LLB (Hons), 2011