

IN THE CROWN COURT AT SOUTHAMPTON

Southampton Combined Court Centre
The Courts of Justice
London Road
Southampton, Hampshire
SO15 2XQ

BEFORE:

HIS HONOUR JUDGE WILLIAM MOUSLEY KC
THE HONORARY RECORDER OF SOUTHAMPTON

BETWEEN:

R

PROSECUTION

- and -

VICKRUM DIGWA
KIRAN KAUR

DEFENDANTS

Legal Representation

Mr Nicholas Lobbenberg King's Counsel (Barrister) on behalf of the Prosecution

Mr Neil Anthony King (Barrister) on behalf of the Prosecution

Mr Jeremy Patrick Wainwright King's Counsel (Barrister) on behalf of the Defendant (Digwa)

Mr Benjamin Hargreaves (Barrister) on behalf of the Defendant (Digwa)

Mr Mark Watson King's Counsel (Barrister) on behalf of the Defendant (Kaur)

Other Parties Present and their status

Mr *Sagib Ajile* (Punjabi Interpreter)

Witness Evidence of Vickrum Digwa (Full evidence)

Hearing dates: 20 - 21 May 2026

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Number of folios in transcript	354
Number of words in transcript	25,438

A **Mr Digwa:** I swear by Waheguru that the evidence I shall give be the truth, the whole truth, and nothing but the truth.

(witness and clerk confer)

B **His Honour Judge Mousley:** Vickrum Digwa, how would you like us to refer to you when you're giving your evidence?

C **Mr Digwa:** What's, whatever's easier for Your Honour.

D **His Honour Judge Mousley:** All right. You're obviously going to be giving evidence for some time. It's up to you, but if at any point you want to sit down, you just sit down, all right? You don't need to ask for my permission, as you will, we, we will take, we will take breaks at what I think are appropriate times but if at any point you want to ask for a break, just let me know, all right?

E **Mr Digwa:** OK, thank you.

His Honour Judge Mousley: Yes. Yes, Mr Wainwright.

F **Mr Wainwright:** Could you tell the jury your full name, please, and your date of birth?

G **Mr Digwa:** My name is Vickrum Singh Digwa, and my date of birth is 30.03.2003.

H **Mr Wainwright:** As you've heard other people being asked to do, if you can make sure you keep your voice up. The volume you're pitching at at the moment I think's easy enough for everybody to hear, so if you can keep it up like that, that's going to be very helpful, and the other thing is you've heard Mr Lobbenberg tell other witnesses, if you can try, although it seems odd when I'm asking you questions, if you can try and address your answers to the jury rather than to the person who's asking questions, that again helps your voice to go across the court.

Mr Digwa: That's fine, Sir. OK.

Mr Wainwright: Can I ask please, in December of 2025, where were you living?

A

Mr Digwa: I was living at ■ St Denys Road.

Mr Wainwright: Who did you live there with?

B

Mr Digwa: I lived there with my mother, my father, my older brother, my older sister, my two younger sisters, as well as my niece.

Mr Wainwright: And is one of your brothers Gurpreet?

C

Mr Digwa: Correct.

Mr Wainwright: Is he an older brother?

D

Mr Digwa: He is my older brother, yes.

Mr Wainwright: Is it right that your family are, are a branch of Sikhism, and again, forgive my pronunciation, Nihang Singh Sikhs?

E

Mr Digwa: Yes, we are Nihang Singhs.

Mr Wainwright: Nihang Singhs, and does that apply to the whole family?

F

Mr Digwa: Yes.

Mr Wainwright: You don't need to duck down every time to speak to the microphone. If you speak directly, it will still pick up --

G

Mr Digwa: *Oh, sorry.*

Mr Wainwright: What you're saying, and are there slight differences between people who are of your branch of Sikhism and some other branches of Sikhism?

H

Mr Digwa: Yes.

- A** **Mr Wainwright:** Is one of those differences relating to the type of turban worn on the head?
- Mr Digwa:** Correct.
- B** **Mr Wainwright:** Can I ask you to explain to the jury, please, what it is you do in the morning step by step so they have an understanding in relation to your hair and what you put on it? Firstly, your hair is uncut, is that correct?
- Mr Digwa:** Yes.
- C** **Mr Wainwright:** And I think the jury have seen pictures of it, but it's quite long.
- Mr Digwa:** Yes.
- D** **Mr Wainwright:** So in the morning, what will you do in relation to your hair, please?
- Mr Digwa:** The first thing we will do is we would comb it with our wooden comb which is called a kanga.
- E** **Mr Wainwright:** Is that wooden comb one of the five Ks that we heard Professor Singh talk about?
- F** **Mr Digwa:** Yes.
- Mr Wainwright:** Having combed your hair, what would you then do with it?
- G** **Mr Digwa:** Following that, we would tie our hair with another piece of cloth which is called the bunga.
- Mr Wainwright:** And when you tie your hair with the bunga, do you tie it into a bun on the top?
- H** **Mr Digwa:** Yes. This gives a, a base for the turban.

- A** **Mr Wainwright:** Do you tie the bun first and then put the bunga or do you tie the bunga into the bun?
- Mr Digwa:** We tie the bunga into the hair, Sir.
- B** **Mr Wainwright:** If you weren't using a bunga, how easy is it just to tie your hair into a bun?
- Mr Digwa:** Quite easily.
- C** **Mr Wainwright:** Does it take long?
- Mr Digwa:** No.
- D** **Mr Wainwright:** Once you've tied your hair up with the bunga, what's the next step?
- Mr Digwa:** The next step is then we tie a smaller turban which we call a keski or a dastar.
- Mr Wainwright:** So you tie a keski or a dastar, is that correct?
- E** **Mr Digwa:** Yes.
- Mr Wainwright:** And is that of any particular colour?
- F** **Mr Digwa:** No particular colour, however I often wear a blue one.
- (pause)
- G** **Mr Wainwright:** When you've tied that, what goes on next?
- Mr Digwa:** The final layer then is called the dumalla. This is the longest turban that we have and that's what goes on afterwards.
- H** **Mr Wainwright:** How many pieces of cloth are there in the dumalla?
- Mr Digwa:** In the dumalla is about 8m.

- A** **Mr Wainwright:** Is that a single strip of 8m.
- Mr Digwa:** Single strip of 8m.
- B** **Mr Wainwright:** What I'd like you to do, please, and just in relation to the top layer, the dumalla, could you just unwrap your dumalla so the jury can have an understanding of how it works?
- (pause)
- C** **Mr Wainwright:** What can we now see on your head?
- Mr Digwa:** So underneath here you can see the bunga and the keski.
- D** **Mr Wainwright:** Can you now retie it?
- (pause)
- E** **Mr Digwa:** (foreign language spoken)
- Mr Wainwright:** Take your time.
- F** (pause)
- Mr Digwa:** (foreign language spoken)
- G** **Mr Wainwright:** I'm sorry to have asked you to do that in public. Is that something normally, if you're not in a large room in strangers, would be done a bit more quickly?
- Mr Digwa:** Yes.
- H** **Mr Wainwright:** And just so people can understand, you were speaking as you were doing that, is that a prayer that you would say whilst tying it?

Mr Digwa: Yes, whilst we tie the turban, we read a prayer as well.

A

Mr Wainwright: Right, so you've explained about the turban. Can I move on now to the kirpan?

Mr Digwa: (indicates agreement)

B

Mr Wainwright: Again, as far as a Nihang Singh, what would you normally wear as far as a kirpan is concerned?

C

Mr Digwa: We would wear two kirpans.

Mr Wainwright: Tell us about the first one, the smaller one.

D

Mr Digwa: The first one is kept under clothing. This is called a dori kirpan and the purpose of this kirpan is to wear it 24/7 without failure.

Mr Wainwright: Your voice is dropping slightly, can you --

E

His Honour Judge Mousley: To be worn 24/7.

Mr Digwa: Sorry.

F

His Honour Judge Mousley: That's what you said --

Mr Wainwright: And that's --

G

His Honour Judge Mousley: Isn't it?

Mr Wainwright: The dori --

H

Mr Digwa: Yeah.

Mr Wainwright: Kirpan, I think you --

A

Mr Digwa: Yes, so this is the one we would if we were showering, if we were using the bathroom, if we're sleeping.

B

Mr Wainwright: And is that the, the first of the two that the jury saw last week?

Mr Digwa: Yes.

Mr Wainwright: And that's worn in a smaller strap round you?

C

Mr Digwa: That's tied on a rope, yes.

Mr Wainwright: And that is worn under the clothing?

Mr Digwa: Yes.

D

Mr Wainwright: What's the second kirpan that you would wear?

E

Mr Digwa: The second kirpan I would wear would be the bigger one, and that would be wear on top of clothing.

(pause)

F

Mr Wainwright: And the one that the jury has seen in this case, is that an example of that?

Mr Digwa: Yes. As a Nihang Singh you have a duty to wear two.

(pause)

G

Mr Wainwright: Do Nihang Singhs wear more than two?

Mr Digwa: They can as well, yes.

H

(pause)

A **Mr Wainwright:** What name or names are given to what it is you wear? You've told us about the dori being the smaller one. Are there other names given to the larger one you wear?

Mr Digwa: Yes, so another term you can use is shastar, another term you could also use is pesh-kabz and --

B **Mr Wainwright:** Sorry, just that second word, could you just spell that for me?

Mr Digwa: So that's P, E, S, H, then hyphen, K, A, B, Z or, yeah. Or S.

C **Mr Wainwright:** Any other, I *mean*, if there are a lot, I'm not going to take you through them.

Mr Digwa: There, there's quite a lot, yeah.

D **Mr Wainwright:** All right, and does each name mean something specific or are they more general than that?

Mr Digwa: They are interchangeable.

E (pause)

F **Mr Wainwright:** Now, the jury have already seen one picture that they saw yesterday, yes. I'm going to ask them to put in their jury bundles at tab 19 and that, I think we said, if it's being produced, it's exhibit 3.

(counsel confer)

G **Mr Wainwright:** So there should be, *well*, so if you go to tab 19, please.

(pause)

H **Mr Wainwright:** *And I'm going to* (inaudible) make there's one *in* (inaudible) for the witness box.

(pause)

- A** **Mr Wainwright:** *The witness is given one.*
- Mr Hargreaves:** Can you pass that to the witness, please?
- B** **Usher:** Yeah.
- Mr Hargreaves:** Thank you so much. Cheers.
- C** **His Honour Judge Mousley:** Don't worry about putting it in the file, the Usher will sort that out later, all right?
- Mr Digwa:** Thank you, Sir.
- D** **His Honour Judge Mousley:** Thank you.
- Mr Wainwright:** Looking at that, the jury have seen it, can you just tell us what that picture is and do you know when it was taken?
- E** **Mr Digwa:** This is a photo from my workplace when I joined as a new starter about three, four months into the role, they decided to take a photo of all the new guy, new starters.
- Mr Wainwright:** And what can we see you wearing there?
- F** **Mr Digwa:** I'm wearing my kirpan.
- G** **Mr Wainwright:** Is that the same one, do you know, or a different one to the one the jury have seen in this case?
- Mr Digwa:** It's not the same one but it's a similar size.
- H** **Mr Wainwright:** All right, thank you.
- His Honour Judge Mousley:** What did you call that, sorry?

Mr Digwa: Kirpan.

A

His Honour Judge Mousley: That's the P, S, E, H --

Mr Digwa: Sorry?

B

His Honour Judge Mousley: Which, and the spelling of that again so I've got that?

Mr Digwa: K, I, R, P, A, N.

C

His Honour Judge Mousley: Oh, right, the kirpan, sorry. My, I didn't --

Mr Digwa: Oh, sorry.

D

His Honour Judge Mousley: Hear you properly.

Mr Wainwright: I'm now going to ask the Usher please to give out a bundle of photographs which will go behind tab 20, members of the jury, and we're going to go through those in a bit more detail. Again, there should be copies for my learned friends and also for the jury bundle. This will go at the very back effectively of, of your bundle. Tab 20. Does Your Honour have *that*?

E

His Honour Judge Mousley: I do, thank you.

F

(counsel confer)

His Honour Judge Mousley: They're not numbered, Mr Wainwright, so I, I hope they're all in the same --

G

Mr Wainwright: (inaudible)

His Honour Judge Mousley: Order but --

H

Mr Hargreaves: They are.

Mr Wainwright: Yes.

A

Mr Hargreaves: *My fault.*

(counsel confer)

B

Mr Wainwright: I'm assured by my learned junior, Mr Hargreaves, they're all in the same order.

(counsel confer)

C

(pause)

Mr Wainwright: So this goes behind tab 20, members of the jury.

D

(pause)

E

Mr Wainwright: And a bit like old school examiners, I'm going to ask you not to turn over the pages until you're told you can, just so we can all go through them together. It may help you, in fact, to put this in the bundle, as you're going to be turning them over. So if you to the very back, tab 20, the Usher will help.

(witness and usher confer)

F

Mr Wainwright: So we'll just go through these one by one. The first picture, who do we see in that picture?

G

Mr Digwa: In this photo it's my father, my older sister, my younger sister, me, and my brother.

Mr Wainwright: And can you remember approximately when this picture was taken?

H

Mr Digwa: I would have been about 17, 18.

Mr Wainwright: So how long ago are we talking about?

Mr Digwa: Four or five --

A

Mr Wainwright: Roughly.

Mr Digwa: Four or five years ago.

B

Mr Wainwright: And whereabouts is the picture taken?

Mr Digwa: This is taken outside of Saints Stadium.

C

Mr Hargreaves: *That's a football* (inaudible)

Mr Wainwright: The Saints' Stadium?

D

Mr Digwa: Saints Stadium, yeah. Southampton Football Club.

Mr Wainwright: We don't talk about that at the moment. Sensitive topic in Southampton. So this is in public?

E

Mr Digwa: Yes.

Mr Wainwright: In daylight?

F

Mr Digwa: (indicates agreement)

Mr Wainwright: And what are you wearing there, please?

G

Mr Digwa: I'm wearing my kirpan. We attended, there was a *wenning*, a wedding function we attended.

Mr Wainwright: All right, moving on, please, to the next picture.

H

(pause)

Mr Wainwright: Who does that show, those two people there?

- A** **Mr Digwa:** So that is both me and my brother.
- Mr Wainwright:** And are you both wearing Sikh blades on display?
- B** **Mr Digwa:** Yes.
- Mr Wainwright:** Whereabouts was this taken?
- C** **Mr Digwa:** This was in a restaurant in Swaythling, so it was my youngest sister's 18th birthday, we went to a restaurant. That's where this photo was taken.
- Mr Wainwright:** And did you go to the restaurant dressed like that?
- D** **Mr Digwa:** Yes.
- Mr Wainwright:** If you go over please to the next picture.
- E** (pause)
- Mr Wainwright:** I think we can all see by the napkins, if nothing else, where you are there. What are you wearing there, please?
- F** **Mr Digwa:** I'm wearing a kirpan.
- Mr Wainwright:** And is that strapped across you, your front?
- G** **Mr Digwa:** Yes.
- Mr Wainwright:** Outside your clothing?
- H** **Mr Digwa:** (indicates agreement)
- Mr Wainwright:** Would that be similar or the same as the one we've seen in this case?

Mr Digwa: Yes.

A

Mr Wainwright: Is it the same one or is it similar?

Mr Digwa: It's not the same one, it's a similar one.

B

Mr Wainwright: Go to the next picture, please.

(pause)

C

Mr Wainwright: This is taken in a men's clothing shop or a clothing shop, is that right?

Mr Digwa: Yes, so this is taken in Zara in Reading.

D

Mr Wainwright: So this is in Reading. How did you get to Reading?

Mr Digwa: I was on public transport, so a train.

E

Mr Wainwright: And when you travelled to Reading by public transport, were you wearing your Sikh blade as we see it there?

Mr Digwa: Yes.

F

Mr Wainwright: Go to the next one, please.

(pause)

G

Mr Wainwright: Whereabouts is this taken?

Mr Digwa: This is taken at work, so I was doing a bit of overtime --

H

Mr Wainwright: What do we see you're wearing there?

Mr Digwa: I'm wearing the kirpan.

Mr Wainwright: Outside your clothing with a strap?

A

Mr Digwa: Yes.

Mr Wainwright: Did you always wear it when you went to work?

B

Mr Digwa: Yes.

Mr Wainwright: How did you get to work?

C

Mr Digwa: I would be on public transport or I'd be getting lifts.

Mr Wainwright: The next one, please.

D

(pause)

Mr Wainwright: Is that you?

E

Mr Digwa: Yes.

Mr Wainwright: Where's that taken, please?

F

Mr Digwa: That is taken at Chandler's Ford train station.

Mr Wainwright: And what, it's slightly blurred but what are you wearing there?

Mr Digwa: My kirpan.

G

Mr Wainwright: Is that outside your clothing?

Mr Digwa: Yes.

H

Mr Wainwright: With a strap going across you?

Mr Digwa: Yes.

A (pause)

Mr Wainwright: The next one, please. Not the most flattering picture of you but that's obviously on a train --

B **Mr Digwa:** Yes.

Mr Wainwright: Where are you going there, can you remember?

C **Mr Digwa:** We *were all* going to Portsmouth.

Mr Wainwright: And again, do you have your kirpan on display?

D **Mr Digwa:** Yes.

Mr Wainwright: And is that another one of the longer ones?

E **Mr Digwa:** Yes.

(pause)

Mr Wainwright: Going to take these slightly more quickly. This is you outside somewhere?

F **Mr Digwa:** Yes, this is on my lunch break at work.

G **Mr Wainwright:** And again, we see you've got a, a Sikh blade worn across your shoulder with a sheath outside your clothing.

Mr Digwa: Yes. It's the same one I was wearing on the night.

H **Mr Wainwright:** And this is the one you wearing on the night?

Mr Digwa: Yes.

(pause)

A **Mr Wainwright:** Again, we're going over to the next picture. Where's this taken?

Mr Digwa: This is taken in Zara in Southampton.

B **Mr Wainwright:** And can you help us with what you're wearing there?

Mr Digwa: Yeah, so you can see on top of the jacket is my kirpan, the --

C **Mr Wainwright:** All right --

Mr Digwa: Same one.

D **Mr Wainwright:** Can, can you just, it's not quite as clear as in the other pictures. Can, can you tell us where we should be looking?

Mr Digwa: If you can see where my hand's in the pocket, above that you can see the handle.

E **Mr Hargreaves:** *Oh, right*, it's there.

Mr Wainwright: OK, thank you, and that's outside your jacket?

F **Mr Digwa:** Yes.

(pause)

G **His Honour Judge Mousley:** Looks like *it*, again, it's difficult to tell, it looks like, is it predominantly the handle we can see outside the jacket? So is it part outside and part inside?

Mr Digwa: No, so the whole shastar is, is outside.

H **His Honour Judge Mousley:** It's all outside, thank you very much.

Mr Digwa: It's just the photo.

A (pause)

Mr Wainwright: Going over to the next picture, is this you again, don't need to hear who the other people are in that picture, but are you, where are you there?

B **Mr Digwa:** I'm the second one.

Mr Wainwright: And where, sorry --

C **Mr Digwa:** Oh.

Mr Wainwright: It's a bad question. Whereabouts is the picture taken --

D **Mr Digwa:** Oh, this --

Mr Wainwright: Rather than --

E **Mr Digwa:** Is taken in --

Mr Wainwright: Where are you in the *line*?

Mr Digwa: A ten pin bowling in Millbrook.

F

Mr Wainwright: And do we see that you are wearing again the strap and can we just see at the bottom there the, the top of the kirpan?

G **Mr Digwa:** Yeah. You can see the, the full kirpan.

Mr Wainwright: Go to the next, next picture, please.

H (pause)

Mr Wainwright: So we've heard a bit already from Professor Singh about Sikh weapons generally. Do they play a part in your, the Nihang culture?

A **Mr Digwa:** Yes.

Mr Wainwright: And what's happening here?

B **Mr Digwa:** So this photo was taken with the *Gatka Akhara*.

Mr Wainwright: You'll have to help us with that.

C **Mr Digwa:** So the *Gatka Akhara* was our group and we performed at Sikh martial arts events, so this event was Southampton *Novo* (inaudible) and I believe this was 2024 picture.

Mr Wainwright: So do you go to various different events?

D **Mr Digwa:** Yes.

Mr Wainwright: And at those events, do you put on displays?

E **Mr Digwa:** Yes.

Mr Wainwright: Do the displays include Sikh weaponry?

F **Mr Digwa:** Yes.

Mr Wainwright: If we go over to the next page, please.

(pause)

G **Mr Wainwright:** Is this the, the event you're talking about or a different event?

Mr Digwa: This is a different event.

H **Mr Wainwright:** And again, we see an array of weapons on display.

Mr Digwa: Yes.

A **Mr Wainwright:** Are any of those weapons which have been in the bedroom that you and Gurpreet shared?

Mr Digwa: Yes.

B **Mr Wainwright:** Some or all of them?

Mr Digwa: Some.

C **Mr Wainwright:** If we go over to the next page, please, that's the last photograph we're going to have a look at. Do you know if this is from the same event or a different event?

Mr Digwa: This is from a different event.

D **Mr Wainwright:** Again, we see a display of weapons there. Are those weapons which have come all or in part from your and Gurpreet's place or are they a mixture of things?

E **Mr Digwa:** They are all from mine's and my brother's.

Mr Wainwright: Thank you, we can close the bundle now.

Mr Lobbenberg: *What did he say?*

F

(counsel confer)

G [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

H

(pause)

[REDACTED]?

A

[REDACTED]

[REDACTED]

B

[REDACTED]

[REDACTED]

C

[REDACTED]

[REDACTED]

[REDACTED]

D

Mr Wainwright: All right, moving on now to the evening that we're talking about when Henry Nowak died, all right? So put the paperwork to one side and we're going to concentrate on the facts of the case. That evening, whereabouts were you?

E

Mr Digwa: That evening I'd come back from work about 5.50pm. I come home, I retied my turban.

Mr Wainwright: How often do you tie your turban?

F

Mr Digwa: We tie it twice a day. So once in the morning when we wake up and then around 5pm, 6 o'clock, so depending whatever time I get back home from work.

Mr Wainwright: Would you tie it at weekends as well?

G

Mr Digwa: Yes.

Mr Wainwright: So the twice a day is part of the ritual?

H

Mr Digwa: Yes.

Mr Wainwright: When you had had done that, did you stay in?

Mr Digwa: No.

A

Mr Wainwright: Where did you go?

Mr Digwa: So my brother also does part time delivery driving, so Uber delivery, and he mentioned to me that he was going out that night to do some delivery work and I decided to join him that night.

B

Mr Wainwright: When you went out with him, were you wearing your, outside, the larger kirpan?

C

Mr Digwa: Yes.

Mr Wainwright: And is that the one that you were wearing when you met with Henry Nowak?

D

Mr Digwa: Yes.

Mr Wainwright: Would there be any reason for you to take it off before you went out?

E

Mr Digwa: No.

Mr Wainwright: I'm not going to ask you about the deliveries and everything else that went on, but roughly how long were you with your brother for while he was making these deliveries?

F

Mr Digwa: We were, so it was me, my brother, as well as my cousin. We were doing it for about hour and a half, two hours.

G

Mr Wainwright: And when you say your brother, are we talking about Gurpreet?

Mr Digwa: We're talking about Gurpreet Digwa, yes.

H

His Honour Judge Mousley: For how long, sorry?

Mr Digwa: For about two hours.

Mr Wainwright: I struggle as well as His Honour. Every now and again your voice drops a bit

--

A

Mr Digwa: Sorry.

Mr Wainwright: Don't worry, it, it happens to most witnesses. But do try and keep it nice and loud so everybody can hear.

B

Mr Digwa: That's fine.

Mr Wainwright: What you may think is a shout, by the time it gets over there, it's a whisper. So don't be afraid of shouting. So you said you'd been out with your brother. How did that come to an end?

C

Mr Digwa: We went, we met another friend who came from London. We went to a dessert shop called Heavenly Dessert. After we had our food, we dropped everyone off home, and then

D

--

Mr Wainwright: Just pausing there. So after you'd dropped everybody off, who was left in the car?

E

Mr Digwa: So it was me and my brother.

Mr Wainwright: Yourself and Gurpreet are still in the car. Where did the car go to?

F

Mr Digwa: We parked *there* on Belmont Road.

Mr Wainwright: Parked on Belmont Road?

G

Mr Digwa: Yes.

Mr Wainwright: And that's where the jury, I think, have already seen it --

H

Mr Digwa: Yes.

Mr Wainwright: And that's the car parking with you and your brother in it?

A

Mr Digwa: Yeah, so where we live on ■■■ St Denys Road, there isn't any like parking there so we have to park on Belmont Road.

B

Mr Wainwright: And when you parked up, did you both stay in the car?

Mr Digwa: No.

Mr Wainwright: Who got out first?

C

Mr Digwa: We both got out at the same time.

Mr Wainwright: Where did you go when you got out?

D

Mr Digwa: We had a friend who messaged us who was parked on the other side of Belmont Road and so we went to go speak with him.

Mr Wainwright: So you went, was he in a car?

E

Mr Digwa: He was in his car, yeah, *the* --

Mr Wainwright: So when you were speaking to him, did you get in the car or did you, were you outside the car?

F

Mr Digwa: We got in the car. This is that red car.

G

Mr Wainwright: This is the red car. So the red car was driven by your friend or had been driven by your friend --

Mr Digwa: Yeah.

H

Mr Wainwright: And yourself and your brother got into it?

Mr Digwa: Yes.

- A** **Mr Wainwright:** How long were in the car for, roughly?
- Mr Digwa:** Five, ten minutes.
- B** **Mr Wainwright:** Who was first to get out?
- His Honour Judge Mousley:** Sorry, can we just, can we just --
- Mr Wainwright:** Sorry.
- C** **His Honour Judge Mousley:** Rewind? So the red car was whose?
- Mr Digwa:** The red car was my friend Gurdeep *Kuria*.
- D** (pause)
- Mr Wainwright:** And just keep with the rewind --
- E** **His Honour Judge Mousley:** So you got into that vehicle --
- Mr Digwa:** Yes.
- F** **His Honour Judge Mousley:** Is that right?
- Mr Digwa:** Yes, Your Honour.
- G** **Mr Wainwright:** So you got out of your vehicle after receiving a message, gone from your vehicle to his vehicle which was the red vehicle, and that was with Gurpreet?
- Mr Digwa:** Yes.
- H** **Mr Wainwright:** Then you and Gurpreet had both got in?
- Mr Digwa:** Yes.

- A** **Mr Wainwright:** And he was in the driver's seat?
- Mr Digwa:** My friend?
- B** **Mr Wainwright:** Yes.
- Mr Digwa:** Yes, he was in the driver's seat.
- C** **Mr Wainwright:** At that point there's three of you in the red vehicle?
- Mr Digwa:** Yes.
- (pause)
- D** **Mr Wainwright:** Sorry, Your Honour, I probably rushed that. I'll, I'll take it slowly, all right. Three of you in the red vehicle. Who got out first?
- E** **Mr Digwa:** I got out of the car first.
- Mr Wainwright:** Why did you get out of the car?
- F** **Mr Digwa:** We had left some curried chips in my brother's car, so my brother asked me to go pick it up and then go home.
- (pause)
- G** **Mr Wainwright:** You got out to go and get the chips from the other car?
- Mr Digwa:** Yes.
- H** **Mr Wainwright:** Did you get to the other car?
- Mr Digwa:** No.

(pause)

A

Mr Wainwright: What happened between leaving the red car and you getting to where your car was?

B

Mr Digwa: I was walking across the road.

C

Mr Wainwright: Which, again, let's take it slowly, which road were you walking across?

Mr Digwa: So from the upper part of Belmont Road, we have the junction where it's Belmont Road and St Denys Road, across the road, and, and then was carrying on walking.

Mr Wainwright: Were you on the road or the pavement as you were walking?

D

Mr Digwa: I was on the pavement.

Mr Wainwright: You're walking along the pavement. Was there anybody else around as you're walking along the pavement?

E

Mr Digwa: No.

Mr Wainwright: What happened as you were walking along the pavement?

F

Mr Digwa: So when I got to the other side of Belmont Road, that's when I saw Henry Nowak walking in the opposite direction to me.

Mr Wainwright: He was coming towards you as you were moving towards him, is that correct?

G

Mr Digwa: Yes.

Mr Wainwright: Both on the same pavement?

H

Mr Digwa: Yes.

(pause)

A **Mr Wainwright:** As he was coming towards you, did you notice him at all? Were you aware of him being there?

Mr Digwa: Yes.

B **Mr Wainwright:** Was there anything at that point, as he was walking towards you, that seemed unusual to you?

C **Mr Digwa:** To me, it seemed like he was drunk. He wasn't walking in a straight line, he was stumbling slightly and so what I done, I've --

His Honour Judge Mousley: Can --

D **Mr Digwa:** Gotten off the pavement --

His Honour Judge Mousley: Can you, can you just slow down please?

E **Mr Digwa:** Sorry.

His Honour Judge Mousley: Because I, this is very important. So --

Mr Wainwright: Speak slowly and loudly.

F **His Honour Judge Mousley:** It's not your fault, but we will need to stop you from time to time.

G "It seemed like he was drunk, not walking in a straight line, and stumbling."

That's where I've got to.

H **Mr Wainwright:** Thank you. You then went on to say what you've done as you saw him approaching you. Again, speaking loudly and taking it slowly so a note can be taken if necessary. Can you tell us what you did at that point?

A

Mr Digwa: I had moved off the pavement onto the double yellow lines to let him pass. I took a step to the right because if I'd gone to the left there was a bush of like spikey leaves and I would have gone into the spikey leaves, so I'd gone onto the right to let him pass.

B

Mr Wainwright: So you stepped roadside, went off the pavement, into where the double yellow lines were?

Mr Digwa: Yes.

(pause)

C

Mr Wainwright: When you did that, what, if anything, did Henry Nowak do?

Mr Digwa: He barged into me.

D

(pause)

Mr Wainwright: At the time, did you think he'd done that deliberately or accidentally?

E

Mr Digwa: I thought he had done it deliberately.

Mr Wainwright: When he barged into you, was anything said by either of you?

F

Mr Digwa: No.

Mr Wainwright: Did you stop or did you carry on?

G

Mr Digwa: I carried on.

Mr Wainwright: As you were carrying on, what was the next thing that you noticed or saw or heard involving Henry Nowak?

H

Mr Digwa: Henry Nowak then turned around and said to me:

“You could have moved up a little bit more.”

A (pause)

Mr Wainwright: When he said that, which way were you looking?

B **Mr Digwa:** I was looking towards the car so south.

Mr Wainwright: Could you see him when he said that?

Mr Digwa: No.

C **Mr Wainwright:** How are you able to say he turned around?

Mr Digwa: Because then after I'd turned round and he was facing me.

D **Mr Wainwright:** So again, just taking it bit by bit, he spoke, at that point you were facing away from him, you then turned around --

E **Mr Digwa:** And he was --

Mr Wainwright: And saw that he was facing towards you?

Mr Digwa: Yes.

F (pause)

G **Mr Wainwright:** Roughly how far apart were you? And rather than trying to guess feet, metres, or whatever, if you could perhaps use where you're standing along this bench to say roughly how far away you would say you were to him at that point?

Mr Digwa: So I was here and where the, the lady is there.

H **Mr Wainwright:** Court Clerk.

Mr Digwa: Sorry, Court Clerk.

A **Mr Wainwright:** That's all right --

Court Clerk: That's *fine*.

B **Mr Wainwright:** So roughly, roughly between were you and the Court Clerk are --

Mr Digwa: Yeah.

C **Mr Wainwright:** Thank you. So at this point you're both facing each other?

Mr Digwa: (indicates agreement)

D **Mr Wainwright:** Was anything else said by either of you at this point as you're facing towards each other?

Mr Digwa: I then turned around and said:

E "You're right, I could have moved up. Carry on *about* with your day."

(pause)

F **Mr Wainwright:**

"Carry on with your day."

Did you say anything else after that?

G **Mr Digwa:** I then said:

"You're drunk, I'm just trying to go to my car. You're right, I'm sorry."

H **His Honour Judge Mousley:**

"I'm trying to go to my car."

- A** **Mr Digwa:** I said:
- “You’re right, I’m sorry.”
- (pause)
- B**
- Mr Wainwright:** How did Henry Nowak respond to you saying that?
- Mr Digwa:** He then said:
- C**
- “You Pakis think you lot can do what you want.”
- Mr Wainwright:** Just pause again.
- D**
- “You Pakis think you lot can do what you want.”
- (pause)
- E**
- Mr Wainwright:** Were you still the same sort of distance?
- Mr Digwa:** No.
- F**
- Mr Wainwright:** How had the distance become smaller?
- Mr Digwa:** He was moving closer.
- G**
- Mr Wainwright:** Were you moving or were you stationary at this point?
- Mr Digwa:** I was stationary.
- H**
- Mr Wainwright:** You were standing still, he was moving towards you. Was there anything else that you can remember he said as he’s moving towards you?
- Mr Digwa:** He was saying stuff:

A “You think you’re a bad man.”

He was saying stuff along the lines of:

B “I’m from Essex, you don’t know what people from Essex are on.”

Mr Wainwright: Pause there.

(pause)

C **Mr Wainwright:**

“You don’t know what people from Essex are?”

D **Mr Digwa:**

“On.”

E **Mr Wainwright:**

“On.”

F Was he saying this to you in a friendly way?

Mr Digwa: No.

G **Mr Wainwright:** How did he seem to you?

Mr Digwa: Like he was threatening me.

H (pause)

Mr Wainwright: Had you ever met him before?

Mr Digwa: No.

A

Mr Wainwright: Was he somebody you'd ever heard of before?

Mr Digwa: No.

B

Mr Wainwright: Had anybody ever told you that he'd come from Essex before?

Mr Digwa: No.

C

Mr Wainwright: *No.* So the first time you heard mention of him being from Essex is when he said it to you.

Mr Digwa: Yes.

D

Mr Wainwright: In what you say was a threatening manner.

Mr Digwa: Yes.

E

Mr Wainwright: After saying that, how close had you got, the two of you?

Mr Digwa: He was getting closer, so I would say he was where the male clerk --

F

Mr Wainwright: Where the Usher's sitting?

Mr Digwa: Yeah, the male usher was sitting.

G

Mr Wainwright: So again, the jury can see that for themselves. Did you say or do anything at this stage?

Mr Digwa: I kept saying to him:

H

“Look, mate, carry on with your day. You're drunk. I'm just going back to my car.”

(pause)

A **Mr Wainwright:** Did he say anything else after that?

Mr Digwa: He then kept saying:

B “You think you’re a bad boy, you think you’re a bad boy.”

(pause)

C **Mr Wainwright:** And was there any further response from you to:

“You think you’re a bad boy?”

D **Mr Digwa:** I said:

“Yeah, I think I’m a bad boy”

and then turned around.

E **Mr Wainwright:** You said:

“Yes, I think”

F **Mr Digwa:**

“I’m a bad boy”

G **Mr Wainwright:** And did you say something about turning round?

Mr Digwa: Yes.

H **Mr Wainwright:** Who turned around?

Mr Digwa: Me.

A (pause)

Mr Wainwright: So you'd said:

B "Yes, I'm a bad boy"

and you turned around. So when you turned, again, just to make it clear, it may be obvious, did you then have your back to him?

C **Mr Digwa:** Yes.

Mr Wainwright: And did you remain standing at that point or did you move away?

D **Mr Digwa:** I was starting to walk away.

(pause)

E **Mr Wainwright:** What was the next thing that happened between the two of you as you're walking away?

Mr Digwa: Henry Nowak started laughing at me, started laughing at me, *gloating* at me, saying:

F "Ah, you think you're a bad boy, you think you're a bad boy."

And this is when he pulled out his, his phone to record me.

G (pause)

His Honour Judge Mousley: Sorry, I didn't quite get that. Something about:

H "his phone to record me."

He?

Mr Digwa: He pulled out his phone to record me.

A

His Honour Judge Mousley: All right.

Mr Digwa: And is that the extract we saw where he's saying:

B

“Say you're a bad man”

Mr Digwa: Yes.

C

Mr Wainwright: And the jury have seen for themselves the distance apart you are on that. What did you think when he took his phone out?

Mr Digwa: I was thinking in my mind that he's recording me and this has just escalated.

D

Mr Wainwright: Why did you feel the fact he got his phone out meant it had escalated?

Mr Digwa: During those sort of months, November, October, November, December, there'd been a lot of attacks on Sikhs and a lot of them were like videoed as well.

E

Mr Wainwright: Videoed by the attackers or the people who'd been attacked?

Mr Digwa: By the attackers.

F

Mr Wainwright: What did you do when you saw him take his phone out?

Mr Digwa: I was walking a few steps, I turned around, I see that he was recording me and then I went to block the phone.

G

Mr Wainwright: And that's the point that we've seen where everything stops --

Mr Digwa: Stops.

H

Mr Wainwright: On the phone recording.

Mr Digwa: Yes.

A **His Honour Judge Mousley:** Did you say you went to block the phone?

Mr Digwa: Yeah.

B **Mr Wainwright:** What happened with the phone?

Mr Digwa: The phone, as I've blocked it, I've grabbed it as well. He's then said:

C "Give my phone back."

I said:

D "Delete the recording."

Mr Wainwright: Just, again, as His Honour's said, if you take it slowly. You said:

E "Delete the recording"

Mr Digwa: (indicates agreement)

F **Mr Wainwright:** What was his response to that?

Mr Digwa: This is then when he punched me.

Mr Wainwright: Did the punch connect?

G **Mr Digwa:** Yes.

Mr Wainwright: Where did it connect?

H **Mr Digwa:** To the left side of my face.

(pause)

A **Mr Wainwright:** At this point, was your kirpan still in its sheath?

Mr Digwa: Yes.

(pause)

B **Mr Wainwright:** After he punched you, what happened between the two of you?

Mr Digwa: He's then grabbed me, continued to punch me to the left side of my face.

C **Mr Wainwright:** How did he grab you? What part of you did he grab?

Mr Digwa: He grabbed me from here. With his --

D **Mr Wainwright:** You --

Mr Digwa: Other --

E **Mr Wainwright:** You've indicated --

Mr Digwa: From --

F **Mr Wainwright:** Just round the top of your clothing.

Mr Digwa: Yes.

G **Mr Wainwright:** Just round the collarbone --

Mr Digwa: Yes.

H **Mr Wainwright:** Below the neck.

(pause)

Mr Wainwright: At this point, was your kirpan still in its sheath?

A

Mr Digwa: Yes.

Mr Wainwright: What happened between the two of you after he'd grabbed you?

B

Mr Digwa: He then punched my turban. He punched it off my head.

(pause)

C

Mr Wainwright: Just pausing for a moment, you've explained to the jury about the three layers. Did you have all three of those layers on that day?

Mr Digwa: Yes.

D

Mr Wainwright: And what came off?

Mr Digwa: All three.

E

(pause)

Mr Wainwright: What happened to your hairs as a, as a result of that?

F

Mr Digwa: My hair was open. So when you tie your hair into the bunga, the, the motion you do it, if you grab it like that and you twist it around your hair. As the bunga has come out, my hair was open and it was down.

G

(pause)

Mr Wainwright: What did you do after he punched your turban off?

H

Mr Digwa: I was giving him a few punches to the stomach.

Mr Wainwright: You were punching him to the stomach?

Mr Digwa: (indicates agreement)

A

Mr Wainwright: Why were you doing that?

Mr Digwa: To get him off me.

B

(pause)

Mr Wainwright: How did he react to you punching him?

C

Mr Digwa: He then grabbed me by my hair.

Mr Wainwright: Were you both facing towards each other as this happened?

D

Mr Digwa: Yes.

Mr Wainwright: When he grabbed your hair, what happened to you?

E

Mr Digwa: He started ragging me about.

(pause)

Mr Wainwright: So he was pulling you about by your hair, and where did you end up?

F

Mr Digwa: We ended up on the driveway.

Mr Wainwright: Both still standing?

G

Mr Digwa: (indicates agreement)

(pause)

H

Mr Wainwright: At this point, as he was grabbing you by the hair and you're both still standing, was your kirpan still in its sheath?

Mr Digwa: Yes.

A
(pause)

Mr Wainwright: Did either of you do anything after that?

B
Mr Digwa: As he was ragging me about from my hair I kept saying to him:

“Let go of my hair, let go of my hair.”

C
(pause)

Mr Wainwright: Did he let go of your hair?

D
Mr Digwa: No.

Mr Wainwright: What happened to you?

E
Mr Digwa: He was still just dragging me around.

(pause)

F
Mr Wainwright: In what way were you being dragged around? You said by your hair.

His Honour Judge Mousley: Think he said ragging.

Mr Wainwright: Ragging.

G
His Honour Judge Mousley: As opposed to dragging, yeah.

Mr Digwa: Yeah --

H
Mr Wainwright: Ragging?

Mr Digwa: Ragging, yeah.

A **Mr Wainwright:** Thank you, Your Honour. What was happening to you physically as you were, you hair was --

Mr Digwa: So --

B **Mr Wainwright:** You were being ragged by your hair.

Mr Digwa: As I was being ragged around, I was like this.

C **Mr Wainwright:** So just again, I have to indicate for the purposes of the --

Mr Digwa: Sorry.

D **Mr Wainwright:** Record. You bent forwards.

Mr Digwa: He like was pulling me forwards so I had --

E **Mr Wainwright:** So he's pulled you forwards and you've indicated you went downwards.

Mr Digwa: Yes.

Mr Wainwright: With your head towards him?

F **Mr Digwa:** (indicates agreement)

Mr Wainwright: And he had hold of your hair.

G **Mr Digwa:** Yeah.

Mr Wainwright: How far down did you go in terms of --

H **Mr Digwa:** Horizontal.

Mr Wainwright: Being bent over?

A **Mr Digwa:** Like, like a 90 degree angle.

Mr Wainwright: So you're bent right over at the waist?

B **Mr Digwa:** Yeah.

Mr Wainwright: What was going through your mind at this point?

Mr Digwa: I just wanted him to get off me.

C **Mr Wainwright:** Again, it may seem obvious. Why did you want him to get off you?

Mr Digwa: The pain that I was feeling from *he was* dragging my hair, my eye was starting to hurt from where had punched me and given me blows.

D

(pause)

E **Mr Wainwright:** At this point where he's pulled you down by your hair, is your kirpan still in its sheath?

Mr Digwa: Yes.

F **Mr Wainwright:** Did it stay there?

Mr Digwa: No.

G **Mr Wainwright:** What happened with the kirpan?

Mr Digwa: Henry Nowak then started saying stuff after I'd said to him:

H "Let go of my hair, let go of my hair"

as I'm bent over.

Mr Wainwright: Just again pausing, you're bent over saying:

A "Let go of my hair, let go of my hair"

and he started saying stuff?

B **Mr Digwa:** He started saying stuff:

"I'm going to fuck you up. I'm going to kill you."

C (pause)

Mr Wainwright: How did that make you feel?

D **Mr Digwa:** I felt like that he was going to use my kirpan on me.

(pause)

E **Mr Wainwright:** What did you do?

Mr Digwa: I used my left hand and I grabbed my kirpan out and I stabbed him twice in the back of the leg.

F (pause)

Mr Wainwright: Which way were you facing when you stabbed him in the back of the leg?

G **Mr Digwa:** I was facing towards him.

Mr Wainwright: Which way was he facing?

H **Mr Digwa:** He was facing towards me.

Mr Wainwright: So you drew your kirpan and stabbed him twice in the back of the leg. At that point, did he still have hold of your hair?

- A** **Mr Digwa:** Yes.
- Mr Wainwright:** Did he release your hair after you'd stabbed him in the back of the leg?
- B** **Mr Digwa:** No.
- (pause)
- Mr Wainwright:** What did you do next?
- C** **Mr Digwa:** I then switched hands and using my left hand I pushed him off me, so using both hands I pushed like that.
- D** **Mr Wainwright:** Right, again, just pausing. So when you say you switched hands, what switched hands?
- Mr Digwa:** So the kirpan was in my left hand, I put it in my right hand, and I pushed him off me.
- E** **Mr Wainwright:** All right, just pausing for a moment. So you switched the kirpan from your left hand to your right hand, you then gestured indicating both your hands going forwards.
- F** **Mr Digwa:** (indicates agreement)
- Mr Wainwright:** Were you standing upright at this stage or were you still down?
- G** **Mr Digwa:** I was a little bit more upright but not still all the way standing up.
- (pause)
- (counsel confer)
- H** **Mr Wainwright:** Are you left or right handed?

Mr Digwa: I'm left handed.

A

(pause)

Mr Wainwright: You indicated a pushing motion with both your hands. When you pushed with your right hand, was the kirpan in it at that point?

B

Mr Digwa: Yes.

(pause)

C

Mr Wainwright: Did either of your both hands come into contact with his chest?

Mr Digwa: Yes.

D

Mr Wainwright: Both hands or one of your hands?

Mr Digwa: I definitely remember my left hand, and I can't be too sure about the, the right hand.

E

Mr Wainwright: That's the hand at this stage that the kirpan was in?

Mr Digwa: Yes.

F

Mr Wainwright: After you've indicated you pushed him, did he let go of your hair?

Mr Digwa: Yes.

G

Mr Wainwright: *OK.*

(pause)

H

Mr Wainwright: What he did, what did he do then after letting go of your hair?

Mr Digwa: After he let go of my hair, this is when my brother had come.

(pause)

A

Mr Wainwright: We've been going through this slowly and carefully so everybody can know what happened and take a note. How did it feel at the time?

Mr Digwa: Scary.

B

Mr Wainwright: Scary? How long did all this take?

C

Mr Digwa: The whole altercation was only a minute, minute and a half. This is in terms of the physical altercation. The, the verbal stuff before was another two, three minutes.

Mr Wainwright: So a few minutes of verbals and then the physical altercation, you think no more than a minute to a minute and a half?

D

Mr Digwa: (no audible response)

Mr Wainwright: During that time were you thinking you were going to stab Henry Nowak?

E

Mr Digwa: I thought if I had to do something because I was afraid that he was going to stab me with my own kirpan.

(pause)

F

Mr Wainwright: Did you mean to stab him? Not the two on the leg, did you mean to stab him in the chest?

G

Mr Digwa: No.

(pause)

H

Mr Wainwright: At the point where your brother came, were you aware that he'd been stabbed in the chest?

Mr Digwa: No.

A (pause)

Mr Wainwright: We've seen the videos of your brother particularly and other members of your family talking to, shouting at, and dealing with Henry Nowak.

B **His Honour Judge Mousley:** Mr Wainwright, I wonder if this is a slightly different topic that we might pick this up after the break?

Mr Wainwright: Certainly, Your Honour, yes.

C **His Honour Judge Mousley:** Yeah, all right. Yes, members of the jury, let's try and start again please at 3.50pm, please.

D (adjournment)

Mr Wainwright: Thank you.

E (pause)

His Honour Judge Mousley: My last note is:

F "I didn't mean to stab him in the chest. I did not know I had when my brother came."

Mr Wainwright: Thank you. When the police came, at that point, were you aware you'd stabbed him in the chest?

G **Mr Digwa:** No.

Mr Wainwright: Were you aware you'd stabbed him twice in the leg?

H **Mr Digwa:** Yes.

(pause)

A **Mr Wainwright:** Why didn't you tell the police or anybody else that you had stabbed him?

Mr Digwa: I was scared. It was the first time something like this has ever happened.

(pause)

B **Mr Wainwright:** When the police first arrived on the scene, did you still have your kirpan?

Mr Digwa: No.

C **Mr Wainwright:** What had happened to it?

D **Mr Digwa:** I'd asked my mum to hold my kirpan whilst I needed to pick up the rest of my religious items, so my bunga, my keski, my kanga which is the wooden comb, as well as --

Mr Wainwright: Pausing there.

E **Mr Digwa:** Sorry.

Mr Wainwright: That's all right.

(pause)

F **Mr Wainwright:** Did you tell your mother why you were asking her to hold your kirpan?

Mr Digwa: No.

G (pause)

H **Mr Wainwright:** After things had broken off between you and Henry Nowak, what state was your hair in?

Mr Digwa: I tied it in a loose bun.

Mr Wainwright: So it had been loose, but you tied it in a bun.

A

Mr Digwa: And I tied it back up in a bun.

Mr Wainwright: Tying it in a loose bun without any cloths or anything else, how long does that take? How *long* (inaudible)

B

Mr Digwa: Two seconds.

Mr Wainwright: A few seconds?

C

Mr Digwa: Two seconds.

(pause)

D

Mr Wainwright: Did you have the three layers of cloth at that point?

Mr Digwa: No.

E

(pause)

Mr Wainwright: Did you look for them?

F

Mr Digwa: Yes.

Mr Wainwright: Did you find them?

G

Mr Digwa: I found my dumalla, and then my other items I believe it was my brother who handed it to me afterwards.

(pause)

H

Mr Wainwright: As you were looking for them, what state was your hair in?

- A** **Mr Digwa:** It was in a loose bun, however as it's a loose bun, I was going up and down looking between the bins and all on the floor, it opened up.
- (pause)
- B** **Mr Wainwright:** Did you have any of those cloths to tie it up with at that point?
- Mr Digwa:** No.
- (pause)
- C** **Mr Wainwright:** How were you feeling at that, this part of the incident afterwards before your arrest, how were you feeling?
- D** **Mr Digwa:** I can't say.
- (counsel confer)
- E** **Mr Wainwright:** I'm going to push you slightly. If you can't say, don't. Just pause for a moment and see if you can recollect how you were feeling at the time?
- Mr Digwa:** I felt abused.
- F** (pause)
- Mr Digwa:** I was scared. It did make me feel a little bit better that I had my family there.
- G** **His Honour Judge Mousley:** Sorry, I missed the first bit.
- Mr Wainwright:**
- H** "Abused, scared, it made me feel a little bit better that I had my family there."
- Is that what you said?

Mr Digwa: Yes.

A

Mr Wainwright: And again, I'm having to repeat it because your voice is dropping.

Mr Digwa: Sorry.

B

Mr Wainwright: How did you feel when the police arrested you?

Mr Digwa: My mind was fuzzy, it was just, everything went on so quickly that I just couldn't take a second to just comprehend everything that was going on.

C

(pause)

Mr Wainwright: When did you first realise that you had stabbed Henry Nowak in the chest with your kirpan?

D

Mr Digwa: I found out in my first police interview, they gave a pre-interview disclosure in which they mentioned that the fatal wound was a stab *mark* in the chest.

E

Mr Wainwright: Pause there.

(pause)

F

Mr Wainwright: So you were arrested, taken to the police station, a solicitor was provided for you?

Mr Digwa: Yes.

G

Mr Wainwright: And you spoke with that solicitor before you were interviewed?

Mr Digwa: Yes.

H

Mr Wainwright: And that's when you say you first were aware that Henry Nowak had had a fatal stab wound to the chest area?

Mr Digwa: Yes.

A

(pause)

Mr Wainwright: We know that you made a prepared statement to the police and answered no comment after that across a number of interviews. Why was it that you answered no comment when asked questions in interview?

B

Mr Digwa: I was advised by the legal team to go no comment. It was my first time so I thought they had the best advice for me.

C

(pause)

Mr Wainwright: When were you first aware that Henry Nowak had actually died?

D

Mr Digwa: Whilst they were booking me into the police station, they changed the charge from attempted murder to murder. But it wasn't then when I fully comprehended the gravity of the situation, it was the morning afterwards, a police detective come to check up on me, do a welfare check on me, and he just explained saying that:

E

“You, the charge is now murder”

and that Henry Nowak has died.

F

(pause)

Mr Wainwright: How did you feel when you heard that?

G

Mr Digwa: I cried.

(pause)

H

Mr Wainwright: Anything else?

(pause)

A **Mr Digwa:** I was scared.

(pause)

B **Mr Wainwright:** And how do you feel now about what happened to Henry Nowak?

Mr Digwa: I didn't mean to do it, and I'm sorry that it happened.

(pause)

C **Mr Wainwright:** Thank you, Your Honour, I've no further questions.

Mr Watson: Your Honour, I do have some questions but ...

D **His Honour Judge Mousley:** Mr Watson, I'm in your hands. Certainly we won't get very much further. It may depend on how much you think you have?

E **Mr Watson:** *Your Honour*, I, I won't be very long so I can conclude my cross examination.

His Honour Judge Mousley: All right.

Mr Watson: I don't know if Mr Digwa, though ...

F **His Honour Judge Mousley:** Just pause a moment.

(pause)

G **Mr Digwa:** Thank you.

(pause)

H **His Honour Judge Mousley:** Are you able to answer a few more questions?

Mr Digwa: Yes.

A **His Honour Judge Mousley:** All right.

B **Mr Watson:** I'll be very quick, Your Honour. Mr Digwa, I'm just going to ask some questions, if I may, just very briefly about your mother, *if there's* anything I ask that's unclear or you'd like me to rephrase it, just tell me. If you don't understand my question, that's my fault, not yours. Now, it's right your mother, Kiran Kaur, she's 53 now, isn't it?

Mr Digwa: Yes.

C **Mr Watson:** And it's right, isn't it, that she has really no, no formal education to speak of, does she?

Mr Digwa: No.

D **Mr Watson:** And very quickly moving onto the incident, it's right that your, your brother called your parents?

E **Mr Digwa:** Yes.

Mr Watson: And they came quickly, didn't they?

Mr Digwa: They did, yeah.

F **Mr Wainwright:** And when your mother came, she was wearing just her nightclothes, wasn't she?

G **Mr Digwa:** Yes.

Mr Watson: And it was December 2025, around midnight, so fair to say it was cold, wasn't it?

H **Mr Digwa:** Yes.

Mr Watson: And when she came she was just wearing her nightclothes?

Mr Digwa: Yes.

A

Mr Watson: And at some point she went back to the family home and returned with a, wearing a cardigan, didn't she?

Mr Digwa: Yes.

B

Mr Watson: And then at *the*, the moment you asked her to hold your kirpan and you said you were picking up your other religious items that were on the floor?

C

Mr Digwa: Yes.

Mr Watson: So when you handed the kirpan to your mother, she would have been able to see the items on the floor and you picking them up?

D

Mr Digwa: The items were on the other side of the fence.

Mr Watson: I see. Mr Digwa, thank you very much, I've no further questions for you.

E

His Honour Judge Mousley: Yes, I think we'll stop there, Mr Lobbenberg. All right. Thank you, members of the jury. 10.30am start please, tomorrow. 10.30am.

(overnight adjournment)

F

Thursday 21 May 2026

Mr Lobbenberg: Mr Digwa, can we please open tab 20 and go to the last picture?

G

(pause)

(counsel confer)

H

(pause)

Mr Lobbenberg: That's a picture of your weapons, isn't it?

- A** **Mr Digwa:** It's a collection of the *Gatka Akhara*'s weapons.
- Mr Lobbenberg:** They're yours.
- B** **Mr Digwa:** Some of them are mine, some of them are my brother's.
- Mr Lobbenberg:** You keep them in the bedroom that you share with your brother.
- C** **Mr Digwa:** Some of them are kept in there, some of them are kept in bags.
- Mr Lobbenberg:** You're interested in weapons, aren't you?
- D** **Mr Digwa:** I have an interest in antique Sikh weapons, yes.
- Mr Lobbenberg:** And you demonstrate them, don't you?
- E** **Mr Digwa:** Yes, so in *gatka* performances, not only do we demonstrate and show how to use them, we also give a brief history on them as well, explaining how they were made and their sort of purposes as well.
- Mr Lobbenberg:** You enjoy using them, don't you?
- F** **Mr Digwa:** I am proud of my *gatka*. I've been doing it for, since I was ten years old, so 12 years now, so I do enjoy doing *gatka*.
- G** **Mr Lobbenberg:** You enjoy doing that stuff, and since you've been doing it since you've been 12, you know how to use the weapons, don't you?
- H** **Mr Digwa:** I've been doing it since I was ten, and I do know how to use them, yes.
- Mr Lobbenberg:** Yes, and looking at these weapons, are some of them rounded?
- Mr Digwa:** Yes.

Mr Lobbenberg: And the rounded weapons therefore don't carry an edge, do they?

A

Mr Digwa: Not necessarily.

Mr Lobbenberg: No. But the knife you were carrying on the streets of Southampton did have an edge, didn't it?

B

Mr Digwa: Yes.

His Honour Judge Mousley: I think, do you mean a point more than an edge, Mr Lobbenberg?

C

Mr Lobbenberg: *Well, it's --*

His Honour Judge Mousley: Do you mean a point or an edge or both or?

D

Mr Lobbenberg: A point and an edge.

His Honour Judge Mousley: Yeah.

E

Mr Lobbenberg: It had both, didn't it?

Mr Digwa: The kirpan I was wearing on the day is an antique kirpan, *meaning --*

F

Mr Lobbenberg: But it was sharp.

Mr Digwa: Meaning it had an edge as well as a point.

G

Mr Lobbenberg: An edge and a point. So do you agree you chose to wear a sharp knife with an edge and a point on the streets of Southampton?

Mr Digwa: As part of my religion, it is part of my identity as a baptised Sikh as well as a Nihang Singh Sikh, we have a duty to carry two --

H

Mr Lobbenberg: Can --

A

Mr Digwa: And as it is an antique item, it's quite a beautiful item, the item itself, the handle was made out of ivory, it's got pieces of silver on it, it's quite a, a nice ortamental [sic] antique kirpan.

B

Mr Lobbenberg: You haven't answered my question. Did you chose to wear a that sharp knife on the streets of Southampton?

Mr Digwa: On that day I was wearing that kirpan, yes.

(pause)

C

Mr Lobbenberg: Do you like to show off and be a hard man?

Mr Digwa: No.

D

Mr Lobbenberg: No. Now, you told us yesterday that Henry Nowak said to you:

"I'm going to fuck you up. I am going to kill you."

E

Mr Digwa: Yes.

Mr Lobbenberg: When you heard those words, were you frightened?

F

Mr Digwa: I was scared.

Mr Lobbenberg: You were scared.

G

Mr Digwa: I was frightened.

Mr Lobbenberg: You were scared and frightened.

H

Mr Digwa: (indicates agreement)

Mr Lobbenberg: And so *here*, hearing those words must have been a very important consideration for you in the decisions you made on that night.

A **Mr Digwa:** After I heard those words, I thought he was going to use my own kirpan against me. I was scared.

B **Mr Lobbenberg:** And that was the only reason you drew your knife, wasn't it, after hearing those words.

B **Mr Digwa:** Carrying a kirpan, you don't wear it as an offensive weapon. You wear as part of your articles of your faith.

C **Mr Lobbenberg:** Yes --

D **Mr Digwa:** However it can be used as a last resort. Then is when I decided to use the kirpan after hearing --

D **Mr Lobbenberg:** Right.

E **Mr Digwa:** Those words.

E **Mr Lobbenberg:** So you agree with me, that was the only reason you drew your knife?

Mr Digwa: Yes.

F **Mr Lobbenberg:** Yes. So it must follow, isn't it, that that decision making and what Henry said must be seared into your memory.

Mr Digwa: Yes.

G **Mr Lobbenberg:** Yes.

(pause)

H **Mr Lobbenberg:** I'm going to ask you about what happened on certain days, so I'm going to tell you which day I'm interested in so we're all on the same page, all right.

Mr Digwa: OK.

A

Mr Lobbenberg: If at any time I ask you a question and you don't understand me, will you let me know --

Mr Digwa: I will.

B

Mr Lobbenberg: And I'll put it another way?

Mr Digwa: I will, Sir.

C

Mr Lobbenberg: Thank you. Now, the first day I'm going to ask you about is 7 December, 7 December. By 7 December, you had been in custody since your arrest, hadn't you?

D

Mr Digwa: Yes.

Mr Lobbenberg: You had been interviewed by the police, hadn't you?

E

Mr Digwa: Yes.

Mr Lobbenberg: You knew you were accused of murder.

F

Mr Digwa: Yes.

Mr Lobbenberg: You had the benefit of a solicitor to help you.

Mr Digwa: Yes.

G

Mr Lobbenberg: You chose to answer no comment to all the questions the police asked you in interview.

H

Mr Digwa: I was advised by my legal team to answer no comment to all the questions.

Mr Lobbenberg: But it's your choice, isn't it?

Mr Digwa: It is *my* --

A

Mr Lobbenberg: You're the --

Mr Digwa: *Choice.*

B

Mr Lobbenberg: Defendant, it's your choice.

Mr Digwa: It is my choice.

C

Mr Lobbenberg: Right, and then on 7 December you decide to give a prepared statement, don't you?

Mr Digwa: Yes.

D

Mr Lobbenberg: And am I right, this was very carefully considered, wasn't it, by you?

Mr Digwa: Yes.

E

Mr Lobbenberg: It was discussed, wasn't it --

Mr Digwa: With --

F

Mr Lobbenberg: With your legal team?

Mr Digwa: With my legal team, yes.

G

Mr Lobbenberg: And it was then reduced into writing and signed by you, wasn't it?

Mr Digwa: Yes.

H

Mr Lobbenberg: Because you knew this was a very important document, didn't you?

Mr Digwa: Yes.

Mr Lobbenberg: This was your account as to why and what had happened, wasn't it?

A

Mr Digwa: Yes.

(pause)

B

Mr Lobbenberg: Can we look at this, please? Tab 14.

(pause)

C

Mr Lobbenberg: Going to start with paragraph 2. You saw a man:

“He appeared to be intoxicated, walking in my direction.”

D

And you told us yesterday he appeared to be intoxicated because he was stumbling and not walking in a straight line, is that right?

Mr Digwa: Yes.

E

Mr Lobbenberg: So you could see Henry Nowak stumbling and not walking in a straight line as he came up Belmont Road towards you?

Mr Digwa: Yes.

F

(pause)

Mr Lobbenberg: Now, I'd like you to look at some footage, please.

G

(pause)

H

Mr Lobbenberg: Do you remember we looked at this in the Prosecution case? This is outside Number [REDACTED] Belmont Road, which is two houses down from [REDACTED], and I'd like you to watch as Henry Nowak comes up the road. Can we have the main screen, the big screen's off?

Male: *Well it's --*

A **Mr Lobbenberg:** It's not working?

His Honour Judge Mousley: Just got to turn it on, Mr --

Court Clerk: Yeah.

B **His Honour Judge Mousley:** Lobbenberg.

Mr Lobbenberg: *Because* that's certainly one for me to look at.

C
(pause)

Mr Lobbenberg: Another outbreak of technology.

D
(court staff confer)

(pause)

E **His Honour Judge Mousley:** Can you all see the other screens, members of the jury?

Mr Lobbenberg: The juries can, can --

F **His Honour Judge Mousley:** Yeah.

Mr Lobbenberg: Work --

G **His Honour Judge Mousley:** Thank you very much.

Mr Lobbenberg: From that screen. I'm going --

H **His Honour Judge Mousley:** You can --

Mr Lobbenberg: To give up on --

His Honour Judge Mousley: And, and --

A

Mr Lobbenberg: The big --

His Honour Judge Mousley: You can see, you can see it on your screen.

B

Mr Digwa: Yeah, it's on the --

Mr Lobbenberg: It's on your --

C

Mr Digwa: Screen.

Mr Lobbenberg: Monitor --

D

His Honour Judge Mousley: I can --

Mr Lobbenberg: And Your Honour --

E

His Honour Judge Mousley: See it on my screen.

Mr Lobbenberg: I can look at the --

His Honour Judge Mousley: So --

F

Mr Lobbenberg: Jury's screen.

His Honour Judge Mousley: We will hopefully we will resolve this issue sooner rather than later, but we'll proceed as we are for now.

G

Mr Lobbenberg: Thank you, Your Honour. Sorry. So let's look at this screen and I want you to look very carefully at Henry Nowak walking up the road, up Belmont Road shortly before he meets you.

H

(beginning of recording playback – no audio)

(end of recording playback)

A

Mr Lobbenberg: Now, you've seen that footage.

Mr Digwa: Yes.

B

Mr Lobbenberg: Do you see him stumble on that footage?

Mr Digwa: No.

C

Mr Lobbenberg: Do you see him weave on that footage?

Mr Digwa: No.

D

Mr Lobbenberg: No, and we have seen --

His Honour Judge Mousley: Just pause a moment.

(pause)

E

His Honour Judge Mousley: All devices off, please.

(pause)

F

His Honour Judge Mousley: Once it's off you can come back in.

Male: (inaudible)

G

Mr Lobbenberg: We have seen footage of Henry in The Hobbit. Henry walking up the road.
Henry running up the road.

(pause)

H

Mr Lobbenberg: In that footage, do you see Henry stumbling?

Mr Digwa: No.

A

Mr Lobbenberg: In that footage, do you see Henry not walking in a straight line?

Mr Digwa: No.

B

Mr Lobbenberg: No.

(pause)

C

Mr Lobbenberg: So when you say he appeared to be intoxicated and he was stumbling and not walking in a straight line, are you telling the truth, or are you telling a lie?

Mr Digwa: I am telling the truth.

D

Mr Lobbenberg: *But* if we look at the video, we can't see your truth, can we? That's right, isn't it?

E

Mr Digwa: In the video he is walking in a straight line and he's not stumbling, however when I saw Henry a little bit further down the road he was stumbling and he wasn't walking in a straight line.

F

Mr Lobbenberg: All right. Now, looking at paragraph 4, you say:

"I had no intention to engage in any confrontation."

And on paragraph 6, you say:

G

"I was petrified at the time as he pulled out his phone to record this attack on me."

H

Are both those things true?

Mr Digwa: Yes.

- A** **Mr Lobbenberg:** All right. Can we just play that footage again we've seen before of Henry coming up, up the road?
- Male:** Sorry.
- B** **Mr Lobbenberg:** And I'd like you to look at Henry's right hand as he comes up the road.
(beginning of recording playback – no audio)
- C** **Mr Lobbenberg (over recording playback):** Look at his right hand as he walks. Can we *have* it there, please?
(end of recording playback)
- D** **Mr Lobbenberg:** And *did* you look at his right hand?
- Mr Digwa:** Yes.
- E** **Mr Lobbenberg:** Was he holding something?
- Mr Digwa:** Yes.
- F** **Mr Lobbenberg:** He's holding his phone, isn't it?
- Mr Digwa:** Yes.
- G** **Mr Lobbenberg:** So as he comes up the road, he's already got his phone in his hand, hasn't he?
- Mr Digwa:** Yes.
- H** **Mr Lobbenberg:** So when you say you became petrified when he pulled it out, that didn't happen, did it?

A **Mr Digwa:** When I met him, he was stumbling, he was walking not in a straight line. After we, I told him to carry on about his day, I should have moved up more, and after he made the remarks about:

“You Pakis think you can do what you want and you run the world”

B and stuff like that, I did notice whether his phone was in his hand or in his pocket. However, he did then start to record me and I was getting more and more scared as to why he started to record. I know there'd been more and more attacks on Sikhs and I know in this day and age of social media and everything, this videos become viral.

C **Mr Lobbenberg:** So can we look at the storyboard? Page 9.

(pause)

D **Mr Digwa:** Thank you, Sir.

(pause)

E **Mr Lobbenberg:** Is that a picture of you petrified with a large knife in front of an unarmed man?

F **Mr Digwa:** I didn't know if Mr Nowak was armed or not. In my mind, I was scared because he started recording me.

Mr Lobbenberg: You were scared because he started recording you.

G **Mr Digwa:** Yes.

(pause)

H **Mr Lobbenberg:** Now, let's look at that. Can we please play the next clip, please?

(pause)

(beginning of recording playback)

A

Mr Nowak: Innit bad man, what bad man. You're a bad man --

Mr Lobbenberg (over recording playback): No, there's no visual.

B

Mr Nowak: Say you're a bad man, go on.

Mr Digwa: I am a bad man.

C

Mr Nowak: Are you a *bad* --

(end of recording playback)

D

His Honour Judge Mousley: Shall we just go back?

Mr Lobbenberg: Can we play it again please with the visuals running from --

(beginning of recording playback)

E

Mr Nowak: *Right*, innit --

Mr Lobbenberg (over recording playback): The top.

F

Mr Nowak: Bad man, what bad man. You're a bad man, say you're a bad man, go on.

Mr Digwa: I am a bad man.

G

Mr Nowak: Are you a *bad* --

(end of recording playback)

H

Mr Lobbenberg: Right. So let's look at that clip of video. You had passed him, hadn't you?

Mr Digwa: Yes.

- A** **Mr Lobbenberg:** There was a gap between you, wasn't there?
- Mr Digwa:** Yes.
- B** **Mr Lobbenberg:** You turn round, don't you?
- Mr Digwa:** Yes.
- C** **Mr Lobbenberg:** If you were scared of this man, why do you close the gap between you and him?
- Mr Digwa:** Because I saw he was recording me.
- D** **Mr Lobbenberg:** But why, if you are scared, does him recording you mean you should close the gap?
- Mr Digwa:** I thought he was recording me, if I did not turn round he might attack me from behind. Once I saw he was recording me, I closed the gap to stop the recording of me.
- E** **Mr Lobbenberg:** To stop the recording? You didn't like being recorded, did you?
- Mr Digwa:** No.
- F** **Mr Lobbenberg:** And you say to him that you are a bad man, don't you?
- Mr Digwa:** Yes. Henry was, in the video was goading me on to say:
- G** "Call yourself a bad man. Call yourself a bad man. Say you're a bad man."
- Mr Lobbenberg:** Henry was goading you? It's not you trying to be a hard man, is it?
- H** **Mr Digwa:** No.
- Mr Lobbenberg:** Then why did you use those words?

A **Mr Digwa:** These were the words he said to use.

Mr Lobbenberg: Well, you didn't have to repeat them back. You could say:

B "I'm a peaceful Sikh going about my business."

Mr Digwa: He said to me:

C "Say you're a bad man."

So I said:

D "I'm a bad man."

Mr Lobbenberg: But that's not all you did, is it? When you got to him, you snatched his phone, didn't you?

E **Mr Digwa:** I used my hand to block the recording and then I grabbed his phone, yes.

Mr Lobbenberg: Right. So a, a young man is filming you and you grab his phone, and what do you do after you've grabbed his phone?

F **Mr Digwa:** After I've grabbed his phone, I've asked him to delete the recording he had of me.

Mr Lobbenberg: Right, now at that time when you ask him to delete the recording, who's holding the phone?

G **Mr Digwa:** It was in my hand.

H **Mr Lobbenberg:** It's in your hand. *Well* why did you think it was right to grab someone else's phone?

- A** **Mr Digwa:** As I mentioned, *there then were* various attacks on Sikhs in the recent past during those event, during that sort of time, and I know a lot of the attacks had been videoed, videoed and then posted online.
- B** **Mr Lobbenberg:** But you're initiating the confrontation, aren't you, by grabbing the phone off him?
- C** **Mr Digwa:** The initial confrontation started when I moved off the side of the pavement onto the road to allow him to pass.
- C** **Mr Lobbenberg:** And this is the drunk man barging into you?
- D** **Mr Digwa:** Yes.
- D** **Mr Lobbenberg:** Which didn't happen, did it? It's pure invention.
- E** **Mr Digwa:** I stepped off the pavement. I took a step to the right. I stood on the double yellow lines to allow him to pass. He barged into me.
- E** **Mr Lobbenberg:** Can we go back to the phone, please? The phone is in your hand. You ask him to, apparently, to delete the footage when you're holding it, and then where, where does the phone go?
- F** **Mr Digwa:** After I've told him to delete the footage, he says give his phone back. I say:
- "Delete the footage."
- G** He then starts punching me.
- H** **Mr Lobbenberg:** What happens to the phone?
- H** **Mr Digwa:** The phone then drops.
- H** **Mr Lobbenberg:** Then where does it go?

Mr Digwa: It was on the floor.

A

Mr Lobbenberg: Then where does it go?

Mr Digwa: After all the altercation, after my brother came to the scene, I picked up the phone.

B

Mr Lobbenberg: And put it in your pocket.

Mr Digwa: It was in my pocket, yes.

C

Mr Lobbenberg: It was in your pocket. Why is Henry's phone in your pocket?

Mr Digwa: I knew there was a video on [sic] me on the phone and I was going to give it to the police to prove that he was recording me.

D

(counsel confer)

Mr Lobbenberg: When the police arrive on scene, do you give them Henry's phone?

E

Mr Digwa: I do not give them Henry's phone straightaway.

Mr Lobbenberg: No. You're, the phone only is found on your person when you're arrested, isn't it?

F

Mr Digwa: When I was booked into the station, yes, they found the --

Mr Lobbenberg: Yes.

G

Mr Digwa: Three phones on me.

Mr Lobbenberg: So you don't give it to the police at the scene, you keep it in your pocket.

H

Mr Digwa: The police at the scene seemed very occupied. They were looking at Henry, they were talking to me, talking to my brother. I didn't --

Mr Lobbenberg: You --

A

Mr Digwa: Exactly have an opportunity to say:

“Oh, by the way, here’s a phone.”

B

They were --

Mr Lobbenberg: You had an opportunity to say lots at the scene to the police which we’ll look at later. Now ...

C

(pause)

Mr Lobbenberg: You then describe that your turban was punched off by Henry Nowak and that your hair was in your eyes, I’m in paragraph 7, and you’re feeling pain from the blows.

D

(pause)

Mr Lobbenberg: So is Henry punching you?

E

Mr Digwa: Henry was punching me, ragging me about from my hair.

Mr Lobbenberg: Punching you and ragging you about with you, with your hair?

F

Mr Digwa: From my hair.

Mr Lobbenberg: From your hair. Can we look please at tab 3?

G

(pause)

Mr Lobbenberg: And can we look at nine, ten, and 11?

H

(pause)

Mr Lobbenberg: Which are the pictures of Henry’s hands.

A (pause)

Mr Lobbenberg: Do you remember the pathologist giving evidence?

B **Mr Digwa:** Yes.

Mr Lobbenberg: Saying she examined these hands and there's no evidence that Henry had been punching people on his hands.

C (pause)

Mr Lobbenberg: Do you remember her saying that?

D **Mr Digwa:** Yes.

Mr Lobbenberg: Not challenged by your counsel. So these rain of blows that Henry is putting on you somehow has left no marks on his hands. Is that what you're saying?

E **Mr Digwa:** Henry Nowak was punching me and he was ragging on me about from my hair.

Mr Lobbenberg: But leaving somehow no injuries on his hands at all from punching you?

F **Mr Digwa:** I, I don't know how to answer that, exactly. He --

Mr Lobbenberg: Pardon?

G **Mr Digwa:** Was, he was punching me and ragging me about from my hair. I don't know why there's no injuries on his hands.

H **Mr Lobbenberg:** And you then say, can we go back, you don't know why there were no injuries on his hand, because you received a lot of blows from him, didn't you?

Mr Digwa: I did. My left eye was then cut as well. It was swollen. This is from him punching me.

A (pause)

Mr Lobbenberg: Can we go back to what you told the police? Well, I'm sorry for jumping about, ladies and gentlemen. Go back to tab 14.

B (pause)

Mr Lobbenberg: Do I mean tab, I do mean tab 14, don't I? Yes.

C (pause)

Mr Lobbenberg: Now, can we look at paragraph 10? You tell the police this:

D "I managed to pull the kirpan from its case and made punching movements to the leg area just to stop the attack. [The next sentence,] the attack continued and I continued to punch out. I did not know why he stopped and moved away."

E So let's, what I'm interested in is the second sentence:

"The attack continued and I continued to punch out again."

F Now, you told us yesterday that having stabbed Henry in the leg, you pushed him.

Mr Digwa: I did.

G **Mr Lobbenberg:** Why did you tell the police you punched?

(pause)

H **Mr Digwa:** This was just written because I also punched out, and I stabbed him twice in the leg, and I used the same words. But I --

Mr Lobbenberg: Pardon?

A **Mr Digwa:** Pushed him off me.

Mr Lobbenberg: Well, why doesn't it say push him? This is a really important document. You've told us that. It's a really important document and in this witness box you're saying:

B "I pushed him"

and in this statement to the police, you're saying:

C "I punched him."

Which is it?

D **Mr Digwa:** I pushed Henry Nowak off me.

Mr Lobbenberg: I see.

E (pause)

Mr Lobbenberg: And you had, and he flees, but you don't know why he stopped?

F **Mr Digwa:** After I pushed him off me, he was no longer on me, he no longer was grabbing me by my hair, he was no longer punching me.

Mr Lobbenberg: You see, I suggest Henry Nowak flees after you stabbed him.

G (pause)

Mr Lobbenberg: You knew full well why *he*, anything this altercation stopped because you stabbed him. You stabbed him to the front and you stabbed him to the back.

H **Mr Digwa:** When I stabbed Mr Nowak in the legs I was horizontally down. My hair was in my eyes. There wasn't much distance between us. I stabbed him twice in the leg. He, he wasn't letting go. He was still punching me, still grabbing me by my hair. I pushed him off me with

both hands. My kirpan was in my right hand. I pushed with my left because I'm left handed. After that, he let go of me.

A

Mr Lobbenberg: Right. So you pushed him away having moved your kirpan from your left hand to the right hand?

B

Mr Digwa: Yes.

Mr Lobbenberg: I'd like you to show us what you did. Let's have this as the kirpan.

C

(pause)

Mr Digwa: Do you need me to leave the box or --

D

His Honour Judge Mousley: No, stay where you are. Just hold it up, please.

Mr Lobbenberg: Hold it up.

E

Mr Digwa: So after *how* like this and I had done that to the legs, he still wasn't letting go, I come there and I've gone like that.

Mr Lobbenberg: Right. Can you repeat that, please? You then did what?

F

Mr Digwa: I went like that.

Mr Lobbenberg: Like that? Can you explain how, with the kirpan in that position in your right hand, three stab wounds have been caused to the front of Henry?

G

Mr Digwa: I don't know how the small pinpoint mark happened. I don't know how the cut on his face how. But after I pushed him, that is when the fatal wound happened, but I had no intention to fatally stab him.

H

Mr Lobbenberg: How? How did that fatal wound happen if you did what you've just demonstrated with the ruler? Can we, show, show me again?

Mr Digwa: Like I said, I was like this --

A

Mr Lobbenberg: Yeah.

Mr Digwa: And I've gone like that.

B

Mr Lobbenberg: Like that?

Mr Digwa: Yes.

C

Mr Lobbenberg: How did that happen? The fatal wound?

Mr Digwa: The fatal wound must have happened when I pushed Henry Nowak off me.

D

Mr Lobbenberg: How did the cut to the face happen if you did that?

Mr Digwa: I have no idea how the cut to his face happened.

E

Mr Lobbenberg: How did the cut to the groin, the injury to the groin happen --

Mr Digwa: *I have --*

F

Mr Lobbenberg: If you'd have behaved like the way you just described to this jury?

Mr Digwa: I have no idea how that small pinpoint happened.

G

Mr Lobbenberg: All right. Now, looking at this prepared statement, there's something missing, isn't there? Why didn't you tell the police about Henry wanting to fuck you up and Henry threatening to kill you?

(pause)

H

Mr Digwa: I don't know.

A

Mr Lobbenberg: Don't know. If that was a really important thing that was a really important thing in your decision making about why you used your very sharp knife on the streets, why didn't you tell the police about it in your prepared statement?

Mr Digwa: The kirpan is used as a final resort.

B

Mr Lobbenberg: I know that, I'm interested in why you didn't tell the police about Henry making a threat to kill you and saying he was going to fuck you up?

Mr Digwa: I don't know.

C

Mr Lobbenberg: You don't know. My suggestion is because you're making it up.

(pause)

D

Mr Lobbenberg: And you hadn't thought of that then, but you have now.

Mr Digwa: Mr Nowak, as he was dragging me around from my hair, punching me, said to me:

E

"I'm going to fuck you up. I'm going to kill you."

Mr Lobbenberg: It's a pack of lies. You tell a lot of lies, don't you, in this case? Lies you agree.

F

Mr Digwa: No.

Mr Lobbenberg: All right, well we'll look at this slowly together.

G

(pause)

Mr Lobbenberg: I'm moving onto another topic.

H

His Honour Judge Mousley: Yes, we haven't been going that long, Mr --

Mr Lobbenberg: I, I, I --

A **His Honour Judge Mousley:** Lobbenberg --

Mr Lobbenberg: I'm entirely in Your Honour's hands as to --

B **His Honour Judge Mousley:** We will, we will take a break but perhaps a little more, please.
Perhaps --

Mr Lobbenberg: Certainly.

C **His Honour Judge Mousley:** Until about, about 11.45am or something like that.

Mr Lobbenberg: Certainly that, I, I can get this topic completed then easily.

D **His Honour Judge Mousley:** All right, thank you.

Mr Lobbenberg: Sorry, I just *wondered*, now, now I'm going to ask you to look at how you describe what happened in the 999 call, and ladies and gentlemen, can we please go to tab 7? Tab 7 is the transcript of the video that encompasses the 999 call, and you'll recall during this

E call, which is made initially by your brother, he then asked you to speak to the Operator, doesn't he?

Mr Digwa: Yes.

F **Mr Lobbenberg:** So it starts at the bottom of page 2. You describe:

G "He walked into me, stumbled, he's drunk. (inaudible) , he said to me, 'look, yeah, look mate.' 'You're drunk, carry up on about your day, do what you need to do.'"

Go over the page:

H "And he says this, 'Who do you think you are? Who do you think you are?' All those, and then he goes, 'do you think you're bad man?' and I say, 'yeah,

A I'm a bad man' and then he starts recording me, and as he's recording me, I snatched his phone. He's laid a punch on me.

You then say this:

B "He pushed me back and my turban's come off. He's pushed me back and my turban's come off."

So you were very, yesterday you were quite clear. Your turban was punched off, but you told the Operator:

C "He's pushed me back and my turban's come off."

Is that what happened?

D **Mr Digwa:** No.

Mr Lobbenberg: Well, why do you tell the Operator that?

E **Mr Digwa:** He punched my turban off. Whilst I was on the phone to the Operator I was just giving a very brief explanation of what's happened.

Mr Lobbenberg: You're quite clear:

F "He's pushed me back and my turban's come off."

Well ...

G (pause)

Mr Lobbenberg: So, at, at this stage ...

H (pause)

Mr Lobbenberg: You haven't recounted to the Operator anything racist, have you?

A **Mr Digwa:** No.

Mr Lobbenberg: You haven't told the operator, and never do, that Henry said to you that he's going to fuck you up and that he's going to kill you, have you?

B **Mr Digwa:** No.

Mr Lobbenberg: In fact, you only say there's any racial epithet when your brother asks, go down to the bottom of the page, two lines up from 02.16, your brother asks --

C **His Honour Judge Mousley:** Just, just pause a moment --

Mr Lobbenberg: I'm --

D **His Honour Judge Mousley:** Mr Lobbenberg, so everyone can get to that point.

Mr Lobbenberg: So sorry.

E **His Honour Judge Mousley:** That's all right.

Mr Lobbenberg: Unfortunately --

F **His Honour Judge Mousley:** You see two, you see oh, 00.02.16, three lines up above that, yeah? Have you got it?

Mr Lobbenberg: Have you found, found the place?

G **His Honour Judge Mousley:** Have you got it?

Mr Digwa: Yes.

H **His Honour Judge Mousley:** Yeah.

Mr Lobbenberg: And Gurpreet says:

A

“Did he racially say anything to you?”

And you go:

B

“Yeah, he called me a Paki as well.”

Now, if he called you a, a Paki, why didn’t you say that off the bat straightaway to the Operator?

Mr Digwa: I then say it to the Operator afterwards then.

C

Mr Lobbenberg: No, but why from the off, it must have been really offensive to you.

Mr Digwa: It is offensive.

D

Mr Lobbenberg: So why didn’t you tell them right from the start:

“This man called me a Paki, this man said he was going to kill me, this man said he’s going to fuck me up. He said ...”

E

Mr Digwa: When the Operator then asked:

“Did he say anything verbally racist to you?”

F

That is when my brother asked me and that is when I said:

“Yeah, he also called me a Paki.”

G

Mr Lobbenberg: And in this, you don’t tell the Operator about raining blows, that hair is in your eyes, do you?

H

Mr Digwa: No.

Mr Lobbenberg: And you certainly don’t tell the Operator that you used the knife, do you?

Mr Digwa: No.

A

Mr Lobbenberg: No. So you hide that, don't you?

Mr Digwa: I do not mention it, no.

B

Mr Lobbenberg: You hide the fact that you drew your weapon and have stabbed a man, don't you?

Mr Digwa: Yes.

C

Mr Lobbenberg: Yes. You see, I suggest this is a story that grows in the telling. The version you've given in the witness box is bigger than the version that you gave to the 999 Operator. You decorate it. You've got the threat to kill, you've got:

D

"he's fucking me up."

You tell none of this to the Operator on the night, do you?

E

Mr Digwa: The Operator was speaking to my brother. I was relaying what I was saying to my brother.

F

Mr Lobbenberg: No, you're speaking, at this time in those references you're speaking directly to the Operator, so why don't you tell the Operator about the fucking up and about the threat to kill? It must have been really frightening for you, you told us.

Mr Digwa: I didn't say it.

G

Mr Lobbenberg: Why did you miss out the thing that was most frightening to you when you're speaking to the Operator?

H

Mr Digwa: Because my mind was comprehending everything that was going on.

A **Mr Lobbenberg:** You didn't comprehend everything that was going on, that's because you'd stabbed somebody five times. Because you lost your temper on the streets of Southampton armed with a sharp long knife. That's what had happened and you were scurrying for cover.

B **Mr Digwa:** My kirpan was only used in self defence. When Mr Nowak punched my turban off, was ragging me around from my hair, was punching me to the face, to the body, to the blows, and then after he said:

"I'm going to fuck you up, I'm going to kill you"

C this was when I believed my life was in danger and he was going to stab me with my own kirpan.

(pause)

D **Mr Lobbenberg:** You keep repeating this, but why aren't you telling the Operator the thing that was most important as to why you used your kirpan, why you were frightened?

(pause)

E **Mr Digwa:** I don't know.

Mr Lobbenberg: Don't know.

F (pause)

G **Mr Lobbenberg:** Next, next date. 5 December. 5 December. On 5 December, you were taken to court for a custody extension, weren't you?

Mr Digwa: Yes.

H **Mr Lobbenberg:** And you were taken in a van with your brother.

Mr Digwa: Yes.

Mr Lobbenberg: And you chose to talk to each other.

A

Mr Digwa: Yes.

Mr Lobbenberg: He wanted to know what had happened, didn't he?

B

Mr Digwa: He did.

Mr Lobbenberg: And you tell him and he gave you some advice, didn't he?

C

Mr Digwa: My brother was telling me to say certain things, yes.

Mr Lobbenberg: Pardon?

D

Mr Digwa: My brother was telling me to say things, yes.

Mr Lobbenberg: To say things, and let's look at tab 13, please, together.

(pause)

E

Mr Lobbenberg: Can we start at page 1, at 10.01.35? Your brother asks you:

"Which shastar did you use?"

F

And you reply:

"Chura"

G

don't you, lower down?

Mr Digwa: Yes.

H

Mr Lobbenberg: So you've used a knife.

Mr Digwa: The kirpan I was wearing on the day, the exact terminology, the exact name for it is called an *Afghani chura*.

A

Mr Lobbenberg: I, I'm not, I'm just asking you whether you --

Mr Digwa: So *chura* --

B

Mr Lobbenberg: Used --

Mr Digwa: *Chura* means knife.

C

Mr Lobbenberg: Yes.

Mr Digwa: Yes.

D

Mr Lobbenberg: You used a knife.

(pause)

E

Mr Lobbenberg: And can you go over the page, please? At 10.02, your brother asks this:

“What did you do, eh? What did you do? Did you do anything?”

F

And you go:

“Yes.”

G

And then at 10.02.51 to 52 you say the following:

“One here”

H

Pointing towards the shoulder, towards the face:

“And one on the chest.”

(pause)

A

Mr Lobbenberg: You had no difficulty, did you, recalling where you had struck Henry Nowak when you were discussing it with your brother, did you?

Mr Digwa: No.

B

Mr Lobbenberg: No.

(pause)

C

Mr Lobbenberg: And the one place you don't mention to your brother is the leg, is it?

Mr Digwa: Yes.

D

Mr Lobbenberg: And can we go to page 8, please?

(pause)

E

Mr Lobbenberg: And at 12.31, 31.12 your brother asks you, says:

“You should have hit him or beaten him up.”

F

And then below that:

“Why did you use the kirpan?”

G

And what do you reply?

Mr Digwa: I reply with:

“I am a fool. I'm an idiot.”

H

Mr Lobbenberg: And can we go to page 2, please? We go back to page 2 and look at what is said at 10.03.07. You say:

- A** “Like he was 18 years of age.”
- Gurpreet’s answer is indistinct, and Gurpreet says:
- B** “You should not have done it.”
- And what do you say at 10.03.13?
- Mr Digwa:** I say:
- C** “It was my fault and my mistake.”
- What acted in self defence ended up taking a life, that’s why I said it’s my fault, my mistake. I had no intention to kill anyone that night.
- D**
- Mr Lobbenberg:** Unfortunately, you told your brother about three strikes to the front of the body which was not what you told the police in your prepared statement, was it?
- E**
- Mr Digwa:** No.
- Mr Lobbenberg:** No. Why not? Why didn’t you tell the truth?
- F**
- Mr Digwa:** The truth was I stabbed him twice in the back of the leg and I pushed him off me. When I pushed him off me, that was the fatal wound that, that unfortunately killed Henry Nowak.
- G**
- Mr Lobbenberg:** You knew full --
- Mr Digwa:** I --
- H**
- Mr Lobbenberg:** I’m so sorry.
- Mr Digwa:** I said this to my brother in case he was going to say something like it was his fault, but he did nothing wrong, it was me. I acted in self defence.

A **Mr Lobbenberg:** It's your brother telling you to say you acted in self defence. Can we see on page 4 what you say Henry has done?

(pause)

B **Mr Lobbenberg:** 10.07.07. Gurpreet says:

“You should have pushed.”

C You go:

“Hm, yes. Should have just pushed.”

D And then at 10.07.11 you say this:

“He did. My hair came undone.”

E So that is the height of what you tell your brother Henry had done in that, in this conversation. He pushed and your hair came undone. That's what happened, isn't it?

Mr Digwa: No. At the scene --

F **Mr Lobbenberg:** Well, why did you tell your brother that?

G **Mr Digwa:** At the scene, my brother was informed of what had happened. I had told my brother that he obviously punched my turban off. When he pushed me, my hair came open so it was in that loose state that you've seen in the, in the screenshots and the, and the still photos. The bunga had come out, the keski had come off, and the dumalla had come off. I did not need to repeat this to my brother because my brother already knew this. A Sikh knows when a Sikh has been attacked, a Sikh knows when a turban when has been pushed off, it doesn't, you, you don't just take it off.

H **Mr Lobbenberg:** But your brother didn't know, did he, that you'd stabbed Henry because you didn't tell him until you were in the van.

A **Mr Digwa:** My brother did not know, no.

Mr Lobbenberg: No. You hadn't told him at the scene, had you?

B **Mr Digwa:** I didn't tell anyone at the scene.

Mr Lobbenberg: You hadn't told your father?

Mr Digwa: I did not tell my father.

C **Mr Lobbenberg:** And can we look at something else please on page 2, at the bottom of page 2. Your brother gives you the advice:

D "He was the one who started fighting with you first."

And over the page, you say:

E "Yes, that's right."

 "And any cameras there?"

F **His Honour Judge Mousley:** Sorry, page, Mr Lobbenberg, I'm --

Mr Lobbenberg: (indicates surprise)

His Honour Judge Mousley: A bit slow.

G **Mr Lobbenberg:** Starting at the bottom of two and we're now over to the page into three.

His Honour Judge Mousley: Thank you very much.

H **Mr Lobbenberg:** And you say:

 "Yes, that's right."

A “And any cameras there?

And you then say this at 10.04.02:

B “If there is one, can’t say anything.”

Why couldn’t you say anything if there was a camera at the scene?

C **Mr Digwa:** If there was a camera at the scene, it would have very clearly showed the whole *conference and*, whole confrontation. It would have showed me stepping off the pavement, it would have showed him barging into me, it would have showed me walking away, him continuing to say the verbal *race* that he was giving. That should to me --

D **Mr Lobbenberg:** Why, why does, do you say to your brother:

“Can’t say anything”

E if there’s a camera there?

Mr Digwa: Because the camera would have shown everything that happened that night.

F **Mr Lobbenberg:** You can’t say anything because it would have shown what you did, that you had stabbed him five times.

G **Mr Digwa:** The camera would have shown everything. It would have shown me stepping off the pavement, me allowing him to walk, it would have shown him continue to follow me, it would have showed him recording me. If there was audio, it would also have sent the audio that was alongside of it, him giving me, calling me a Paki, him calling me a bad man. It also would have shown how I stabbed him.

H **Mr Lobbenberg:** But you’ve got no explanation as to how you cut his face or his groin?

Mr Digwa: I have no explanation.

Mr Lobbenberg: No. No, and can we just finish the transcript please on page 10?

A
(pause)

Mr Lobbenberg: And can we look at the entry at, the, 12.38.30.

B
(pause)

Mr Lobbenberg: Your brother gives you some advice:

C “And you, do not show off or try to act all hard.”

And you reply:

D “No, I will not.”

Your Honour, page 10 --

E **His Honour Judge Mousley:** Yeah.

Mr Lobbenberg: 10.38.30. Why is your brother warning you about showing off and acting hard?

F **Mr Digwa:** I don't know why my brother said that.

Mr Lobbenberg: You don't know?

G **Mr Digwa:** *While I was*, was in police custody, I was respectful, I was polite, I did not argue to the point where I was even allowed into the police kitchen with one of the Police Officers to look at my food. I did not need to act hard or show off, this is --

H **Mr Lobbenberg:** Well --

Mr Digwa: Just some general advice my brother was giving me --

Mr Lobbenberg: But --

A

Mr Digwa: Because this is the first time I've been arrested.

Mr Lobbenberg: Why would he give you such general advice to you if you're such a respectful, calm, and nice person?

B

Mr Digwa: It was just some advice he gave me.

Mr Lobbenberg: Is that a convenient moment?

C

His Honour Judge Mousley: Yes, certainly. Yes, we'll take a break, members of the jury. We'll start again at 12 o'clock. Thank you.

D

(adjournment)

Mr Lobbenberg: New day. 3 December.

E

(pause)

Mr Lobbenberg: Did you tell lies to people at the scene?

Mr Digwa: Yes.

F

Mr Lobbenberg: Yeah.

(pause)

G

Mr Lobbenberg: Shall we have a look at some of these lies together? Can we go to tab 7?

(pause)

H

Mr Lobbenberg: Page 1.

(pause)

A **Mr Lobbenberg:** 11 boxes down, just above 00.15.16 you see something from you.

(pause)

B **Mr Lobbenberg:** You say:

“He’s not been stabbed. I don’t know what he’s talking about.”

That’s a lie, isn’t it?

C **Mr Digwa:** Yes.

Mr Lobbenberg: Yes. Why?

D **Mr Digwa:** I was scared.

E **Mr Lobbenberg:** You were scared. Further down that page, look at 00.25, go down one box, you say this:

“He’s pretending.”

You then repeat it:

F “He’s pretending.”

Why do you say that?

G **Mr Digwa:** Mr Nowak at this time was moving around, not talking to us, I just thought he was just, because he heard the police was coming, he was pretending to be in a worse condition than what he was in.

H **Mr Lobbenberg:** You’d stabbed him five times. You knew full well you had stabbed him five times. Why were you telling people:

“he’s pretending”

A when his face is covered in blood?

B **Mr Digwa:** At that time, I know I’d stabbed him twice in the leg. I had no idea that I’d fatally stabbed. I had no idea how the, the small pinpoint happened, and I also don’t know how the cut came about.

Mr Lobbenberg: That’s nonsense. You knew full well what you’d done. You were just denying it and lying to try and protect yourself and not give a damn about Mr Nowak.

C **Mr Digwa:** That is not the case. I did lie and I did say he, I hadn’t stabbed him, but I didn’t realise to what extent and how far it had gone. I pushed him off me and that’s obviously when the fatal wound had happened. I did care for Mr Nowak. When the neighbour had come out and **D** I was recalling it to him, I asked the neighbour for water to give to Mr Nowak. So did --

Mr Lobbenberg: Do you --

E **Mr Digwa:** My mum.

Mr Lobbenberg: Do you remember [Witness 8] who was read who observed she didn’t understand why the people were not helping a man who was saying he’d been stabbed. Do you remember that statement being read?

F **Mr Digwa:** I do.

Mr Lobbenberg: Well, why weren’t you helping the man who had been stabbed?

G **Mr Digwa:** Me and my father were helping Mr Nowak.

Mr Lobbenberg: Well, why didn’t you immediately call an ambulance?

H **Mr Digwa:** We called the police first.

Mr Lobbenberg: Yes, why, that's not the question I asked. You knew what you had done. Why didn't you call an ambulance?

A

Mr Digwa: We called the police first. We should have called an ambulance first.

Mr Lobbenberg: Well, so why didn't you?

B

Mr Digwa: At that moment we needed the police there.

Mr Lobbenberg: Pardon?

C

Mr Digwa: At the moment we, I believed we needed the police there first. Like I said, I knew I'd stabbed twice in the leg but I didn't know how badly, I didn't even know I'd fatally stabbed him as well.

D

Mr Lobbenberg: You were only interested in trying to save your own skin, weren't you?

Mr Digwa: No.

E

Mr Lobbenberg: When the police arrive, you knew you had used a knife to stab Henry, didn't you?

Mr Digwa: Yes.

F

Mr Lobbenberg: You knew you had wounded him, didn't you?

Mr Digwa: I knew that I had stabbed him.

G

Mr Lobbenberg: But you didn't tell the police, did you --

Mr Digwa: I didn't --

H

Mr Lobbenberg:

"That man's injured, you need to help him"

A did you?

Mr Digwa: I didn't.

B **Mr Lobbenberg:** No. You instead said:

"I am the victim."

Didn't you?

C **Mr Digwa:** I was explaining to the police what had happened to me and --

Mr Lobbenberg: You were telling lies to the police.

D **Mr Digwa:** I was telling the police how the account had happened, how he barged into me, how I moved off the pavement for him, how he was saying things to me, how he called me a Paki --

E **Mr Lobbenberg:** Yes --

Mr Digwa: All this --

F **Mr Lobbenberg:** You were saying --

Mr Digwa: *This* stuff.

G **Mr Lobbenberg:** That Henry Nowak was a drunk, racist who'd attacked a Sikh. That's what you said, isn't it, effectively?

Mr Digwa: I did say that, yes.

H **Mr Lobbenberg:** And that's a pack of lies.

Mr Digwa: It's not the lies, it's the truth.

- A** **Mr Lobbenberg:** All right.
- Mr Digwa:** However, I did not say the full truth and I did not mention that I had stabbed Mr Nowak.
- B** **Mr Lobbenberg:** No. You missed that out.
- Mr Digwa:** I did.
- C** **Mr Lobbenberg:** You missed out the bit that you used a knife.
- Mr Digwa:** I did.
- D** **Mr Lobbenberg:** Why?
- Mr Digwa:** I was scared. It's the first time I've had any sort of confrontation like this. I've been a baptised Sikh for eight years. For eight years I've been wearing a kirpan proudly as a *Sikh*, as a Nihang Singh, and this is the first and early time it's ever been used because I was fearing for my life.
- E** **Mr Lobbenberg:** You've only murdered one man?
- F** (pause)
- Mr Lobbenberg:** Let's go back to the transcript.
- G** (pause)
- Mr Lobbenberg:** Can you please go to tab 10? Page 1.
- H** (pause)
- Mr Lobbenberg:** By the time [Police Constable 1] was on the scene, Henry Nowak was in a very bad way, wasn't he?

- A** **Mr Digwa:** Yes.
- Mr Lobbenberg:** And you still said nothing.
- B** **Mr Digwa:** When Police Constable 1] came to the scene, I just told him my account of what happened. I did not mention that I stabbed him. In hindsight I should of.
- Mr Lobbenberg:** So let's see what Henry Nowak says. On page 1, four boxes from the bottom, he says:
- C** "I can't breathe, I can't breathe."
- Mr Digwa:** Sorry, what tab is this?
- D** **Mr Lobbenberg:** I'm so sorry, tab 10, page 1.
- (pause)
- E** **Mr Lobbenberg:** Go over to the page.
- (pause)
- F** **Mr Lobbenberg:** Four boxes up from 00.40, he says:
- "I can't breathe."
- G** And at, whilst he's saying he can't breathe, you're explaining that you've got a swollen eye, a little bruise there to the police, aren't you, at the bottom of the page?
- Mr Digwa:** Yes. Yeah, sorry.
- H** **Mr Lobbenberg:** If we go over the page to page 3, Henry saying:
- "I've been stabbed. I've been stabbed, I can't breathe"

A at 00.59. Go down three more boxes:

“Call an ambulance, call an ambulance, I can’t breathe.”

B Two boxes down from that:

“I’ve been stabbed.”

C Last box on the bottom of the page:

“I can’t breathe.”

D Go over the page, three boxes down:

“I can’t breathe.”

E In the, two boxes up from 01.49:

“I can’t breathe.”

At the bottom of the page:

F “I’ve been stabbed.”

And over the page, four boxes down:

G “Please, brother, I can’t breathe.”

At 02.18 he is silent. Now whilst that was going on, you remained silent, didn’t you, about what you had done to Henry Nowak?

H **Mr Digwa:** At this point, when [Police Constable 1] [sic] was with Henry Nowak, I was moved to the side and I was talking to [Police Constable 5].

Mr Lobbenberg: But you remained silent, you didn't say to [Police Constable 5] or to [Police Constable 1]:

A

“That's man's really hurt. We better help him.”

Mr Digwa: I didn't.

B

Mr Lobbenberg: Did you?

Mr Digwa: No.

C

Mr Lobbenberg: That man that you had stabbed.

Mr Digwa: I did not say anything about that, no.

D

(pause)

Mr Lobbenberg: Page 11, *so*, tab 11.

E

(pause)

Mr Lobbenberg: We have ...

F

(pause)

Mr Lobbenberg: The account you gave to [Police Constable 5]. Can we go to page 4?
You give your details ...

G

(pause)

Mr Lobbenberg: You tell, if you go three Vickrum Digwas down from the top, you see a large paragraph. *You're saying:*

H

“Against the wall, just to make sure everything, because then we saw he was like bleeding.”

Was that right? Was that the first time you saw he was bleeding?

A

Mr Digwa: Yes.

(pause)

B

Mr Lobbenberg: We know the blood trail from him stops, starts in the yard before he climbs the, over the fence, doesn't it?

Mr Digwa: Yes.

C

Mr Lobbenberg: We know the injury on his face is a cut that drew blood, don't we?

Mr Digwa: Yes.

D

Mr Lobbenberg: Do you recall when you cut this man's face seeing blood?

Mr Digwa: No.

E

Mr Lobbenberg: When you cut his face with your sharp knife did you see blood?

Mr Digwa: I don't recall when he got the cut on his face.

F

Mr Lobbenberg: You told the police lower down:

"We called the ambulance along with the police."

G

That's not true, is it?

Mr Digwa: My brother did call the ambulance and that's what I thought, I thought my brother had called it first before the police. I didn't realise it was the other way round.

H

Mr Lobbenberg: Yeah. It was the police that called the ambulance, wasn't it?

Mr Digwa: The police also called the ambulance, so did my brother.

A **Mr Lobbenberg:** That's not true.

(counsel confer)

B **Mr Digwa:** My brother did call the ambulance.

Mr Lobbenberg: All right, and can we look at page 5, please?

(pause)

C **Mr Lobbenberg:** [Police Constable 5] says:

“Do you know how he's got that wound, then?”

D I'm one box down from the top:

“How's he got that wound?”

E And you reply:

“What wound, sorry?”

F Why do you say that?

Mr Digwa: [Police Constable 5] was referring to how was there blood over his face. Like I said, I don't know how or when I cut him on the face. I can't recall.

G **Mr Lobbenberg:** You can't recall. All right. Now, let's now focus on your knife.

(pause)

H **Mr Lobbenberg:** Harvey, excuse me, Henry Nowak was unarmed, wasn't he?

Mr Digwa: I didn't know whether he was armed or not.

A **Mr Lobbenberg:** In his hand, he had a phone, didn't he?

Mr Digwa: Yes.

B **Mr Lobbenberg:** He didn't pull any weapon out, did he?

Mr Digwa: I didn't know whether he had a weapon or not.

C **Mr Lobbenberg:** No, I'm just asking you, he didn't pull any weapon out, did he?

Mr Digwa: No.

D **Mr Lobbenberg:** No. You, on the other hand, have chosen to carry a sharp knife on the streets, haven't you?

Mr Digwa: I did not choose, it's part of my religious duty to wear my kirpan.

E **Mr Lobbenberg:** And you have chosen to use the knife that you were carrying, haven't you?

Mr Digwa: In self defence I used a kirpan, yes.

F **Mr Lobbenberg:** You've chosen to use the knife.

Mr Digwa: In self defence I used a kirpan, yes.

G **Mr Lobbenberg:** As your brother said in the van, you could have beat him up, you could have pushed him, but you chose to use the knife, didn't you?

Mr Digwa: When Mr Nowak said:

H "I'm going to fuck you up, I'm going to kill you"

I was scared because my kirpan wasn't concealed, it was on public view, I believed he was going to use my kirpan to stab me or to kill me.

A **Mr Lobbenberg:** And that kill you comment is something you didn't tell the police, you didn't tell the Operator.

(counsel confer)

B **Mr Lobbenberg:** And I'd like you to look at another document where, where you didn't mention:

“Kill you.”

C This is called a defence statement. Now, before a trial --

Barrister: *There's a* hard copy --

D **His Honour Judge Mousley:** Just, just pause a moment.

Mr Lobbenberg: Hard copy for His Honour.

E **His Honour Judge Mousley:** I've got one. I think I've got one, thank you, but let me just find it.

F **Mr Lobbenberg:** You produced, and you with your lawyers produced a document signed by you setting out your defence at trial, don't you?

Mr Digwa: Yes.

G **Mr Lobbenberg:** And can you please turn to paragraph 7?

(pause)

H **Mr Lobbenberg:** You read it to yourself.

(pause)

Mr Lobbenberg: Does that, does anywhere in that paragraph do you say that Henry Nowak said:

A

“I’m going to kill you?”

Mr Digwa: No, but you can --

B

Mr Lobbenberg: No.

Mr Digwa: But you can see during the --

C

Mr Wainwright: Just --

Mr Digwa: Paragraph --

D

Mr Wainwright: Just, Your Honour --

Mr Lobbenberg: *I’ll* put it in context.

E

Mr Wainwright: *He, he read* part of it, I’d like the whole paragraph to be put in, please.

His Honour Judge Mousley: Well, you --

F

Mr Wainwright: Not a part.

His Honour Judge Mousley: Can, you can re-examine if you want to, Mr Wainwright, on this, so Mr Lobbenberg. So have you, first of all, have you had a chance to read that, the whole of that paragraph?

G

Mr Digwa: I, I’ve read the paragraph, yes.

His Honour Judge Mousley: All right, OK. So you’ve --

H

Mr Lobbenberg: I’m --

His Honour Judge Mousley: You've remind --

A

Mr Lobbenberg: Just asking --

His Honour Judge Mousley: You, just wait a moment --

B

Mr Lobbenberg: I'm so sorry.

His Honour Judge Mousley: You've reminded yourself of what you, of what was said in your statement that you signed at the time --

C

Mr Digwa: Yeah.

His Honour Judge Mousley: And what Mr Lobbenberg is asking you is do you agree that you did not say that you thought he was going to kill you or that he, sorry, that he threatened to kill you? Do you agree you didn't say that in the statement?

D

Mr Digwa: I have not said it in the statement, but when I was preparing the statement I did mention this to, to the Defence team.

E

His Honour Judge Mousley: All right.

Mr Lobbenberg: All right. So it's the fault of your lawyers to not putting it in?

F

Mr Digwa: No, because they have put something in there.

Mr Lobbenberg: This is very important, isn't it? You didn't say it to the police. Doesn't appear in your defence case statement. You didn't tell anybody when you spoke to the 999 call that this threat had been made. You didn't tell any of the policemen at the scene when you explained what had happened that this threat had been had, you?

G

Mr Digwa: At the scene, no, I did not.

H

A **Mr Lobbenberg:** No. Whilst you explained what had happened to you, you missed out this. This very important feature. Why do you keep missing out this feature which is the reason you drew your kirpan?

B **Mr Digwa:** It's written here in my defence statement, but at the scene I did not mention. Like I said, my mind wasn't comprehending everything that was going on. It was so *sporadic*, everything snowballed, everything just happened so quickly.

C **Mr Lobbenberg:** Now, you've already told us that you can't explain how the injuries were caused to his groin or how the injuries was caused to his head, is that right?

Mr Digwa: To his face and to his groin I have --

Mr Lobbenberg: Right.

D **Mr Digwa:** No idea those happened.

Mr Lobbenberg: *Then* let's look at tab 3, please, and examine this.

E **Mr Digwa:** Is this in the jury bundle, sorry?

Mr Lobbenberg: Jury --

F **His Honour Judge Mousley:** Yeah.

Mr Lobbenberg: Bundle, tab 3, please.

G (pause)

Mr Lobbenberg: You, we're going to start by looking at, can we start with page 8.

H (pause)

Mr Lobbenberg: The injury to Henry Nowak's face.

(pause)

A

Mr Lobbenberg: You can see it's marked SW1. It's caused by a knife. How was that knife up cutting his face on your account?

B

Mr Digwa: I don't know.

Mr Lobbenberg: And if it cuts his face, he would have bled. We can see his face bleeding on the video, can't we?

C

Mr Digwa: Yes.

Mr Lobbenberg: And your knife would have been bloody with his blood, wouldn't it?

D

Mr Digwa: Yes.

Mr Lobbenberg: Do you have any idea how the injury to his face happened?

E

Mr Digwa: No.

Mr Lobbenberg: You, I suggest you targeted his face with your knife. That's how it happened.

F

Mr Digwa: I don't know how the cut on his face came about.

Mr Lobbenberg: All right. Can we go to tab 3 please, page 2?

(pause)

G

Mr Lobbenberg: Now, this is the wound to the chest. How do you say your, have caused that wound?

H

Mr Digwa: This is when I have pushed off, *Mr* --

Mr Lobbenberg: Pushed off?

Mr Digwa: Yes.

A

Mr Lobbenberg: And did you feel the knife going through his jumper, through his shirt, and 8cm into his body?

Mr Digwa: No.

B

Mr Lobbenberg: No?

(pause)

C

Mr Lobbenberg: Look at the orientation of the wound. Do you remember what the Pathologist said? The blade has entered effectively on the horizontal, travelling upwards. How did you not feel that in the hand that held that blade?

D

Mr Digwa: Like I said, I pushed him with both hands. My left hand had felt his chest as I pushed him away.

E

Mr Lobbenberg: But how did you not feel that blade going into this young man's flesh?

Mr Digwa: With my right hand, it was at an angle, I was getting up, and I pushed him off.

Mr Lobbenberg: Let's look over the page please at the wound track.

F

(pause)

Mr Lobbenberg: Mr Digwa, have you ever carved a Sunday joint or chopped up a chicken?

G

Mr Digwa: I'm a vegetarian.

Mr Lobbenberg: Have you ever cut some very firm tofu or paneer?

H

Mr Digwa: No. I've --

Mr Lobbenberg: You --

A **Mr Digwa:** I've cut soft tofu and soft paneer.

Mr Lobbenberg: You've never touched anything --

B **Mr Wainwright:** Your Honour, I'm sorry, there's a point of law I'd seek to raise if we're going to carry on in this vein.

His Honour Judge Mousley: I think you can probably rephrase this, Mr Lobbenberg, in a different way.

C **Mr Lobbenberg:** Yes.

His Honour Judge Mousley: Thank you.

D **Mr Lobbenberg:** I suggest it was absolutely plain to you that you were penetrating Mr Nowak's chest.

E **Mr Digwa:** Like I said, this fatal wound was caused when I pushed him off me. I had no intention to stab him in the chest. I pushed him off me because he was still ragging me about from my hair.

F **Mr Lobbenberg:** This, your entire account is nonsense, because you targeted his chest exactly as you told your brother in the van.

G **Mr Digwa:** I did not tell my brother how I pushed him off in the van. All I said is they had told me that the fatal wound was a stab wound to the chest. This was what was told to me in a pre disclosure written by the police. This is what I was relaying to him.

H **Mr Lobbenberg:** But you also said face and shoulder, and let's go to page 5.

(pause)

Mr Lobbenberg: How did he get the knife point in the groin?

Mr Digwa: I have no idea how that happened.

A **Mr Lobbenberg:** The knife point that goes through his trousers into his groin.

Mr Digwa: I don't know how that happened.

B **Mr Lobbenberg:** It's because you targeted his groin, isn't it?

Mr Digwa: No, I didn't. I don't know how this injury occurred.

C **Mr Lobbenberg:** And the one striking feature is that there are no defence injuries on Henry, are there? Do you remember the Pathologist telling us that?

Mr Digwa: Yes.

D **Mr Lobbenberg:** He had no time to defend himself, did he?

E **Mr Digwa:** When I stabbed Mr Nowak in the leg and then I pushed him off me and unfortunately got him fatally in the chest which I had no intention of doing. This all happened very, very quickly. Seconds --

Mr Lobbenberg: So I --

F **Mr Digwa:** If anything.

G **Mr Lobbenberg:** I suggest the sequence must be different. If you'd stabbed him in the leg first, Henry Nowak would have known you had a knife, wouldn't he? Because you have penetrated the leg wound, is 5cm into his leg. That would hurt, wouldn't it?

Mr Digwa: Mr Nowak knew I had a knife on me because my kirpan, as it's, always is, was on public view.

H **Mr Lobbenberg:** But you were using it and your account is you struck him in the leg first. I suggest what happened is this. You used your, your knife on the front of him first, striking him three times on three separate target areas. You struck towards his face, cutting it, you struck

towards his chest, penetrating him, and you struck towards his groin, and that Henry Nowak then turns to flee and you continue the attack, striking the rear of him, striking his legs then. That's what happened, isn't it?

Mr Digwa: No. Like I mentioned yesterday and today, I was bent over as Mr Nowak was ragging me about from my hair. I stabbed him twice in the leg hoping that this would be enough to him to get off me. It wasn't. He was still dragging me around so I pushed him off me. I don't know how the little pin point happened on the groin, and I don't know how the cut happened on his face. I did not chase Mr Nowak. This all happened, I stabbed him twice in the leg first and then I pushed him off which unfortunately was the fatal wound. I had no intention of causing that wound on him.

Mr Lobbenberg: I would suggest you were in a fury because he has filmed you, and you knew full well what you had done.

(pause)

Mr Digwa: I was not in a fury. I was scared when he filmed. Like I said, in those sort of months, there'd been a lot of attacks on Sikhs, especially due to the political climate of the world, of the UK. I thought he was going to make a video, attack me from behind, and then post it virally. I was not in a fury. I was scared.

Mr Lobbenberg: And *was*, can see how scared you were on the video, can't we?

Mr Digwa: Inside I was very scared, yes.

Mr Lobbenberg: Inside but not outside?

Mr Digwa: No.

Mr Lobbenberg: No. Passers by describe hearing aggression that they characterised as carnal at the scene.

(counsel confer)

A

Mr Lobbenberg: Henry, once he was fleeing, climbed onto the fence along to the bins and over the fence, doesn't he?

B

Mr Digwa: Yes.

Mr Lobbenberg: And as he does that, immediately, that is immediately after you have stabbed him, what do you do?

C

Mr Digwa: After I pushed him off me, my brother has come to the scene. My brother has then also pushed Mr Nowak towards that area.

D

Mr Lobbenberg: What do you do though?

Mr Digwa: I record him.

E

Mr Lobbenberg: You record him. You make a film of the man that you have stabbed running away, and at that time, Gurpreet has got his phone out, hasn't he?

Mr Digwa: My brother has, yes.

F

Mr Lobbenberg: And you, you make a film. Let's look at this film that you make.

His Honour Judge Mousley: I think we have the same problem with the big --

Mr Lobbenberg: *So* --

His Honour Judge Mousley: Screen.

G

Mr Lobbenberg: I understand the big screen's --

His Honour Judge Mousley: But --

H

Mr Lobbenberg: Dead.

His Honour Judge Mousley: Yeah.

A (pause)

Mr Lobbenberg:

B (beginning of recording playback)

Male: (inaudible)

Male: (inaudible)

C **Male:** Yeah, *I want* his shoes and everything, bruv.

(recording playback repeats)

D **Male:** (inaudible) *bruv*.

Male: (inaudible)

E **Male:** Yeah, *I want* his shoes and everything, bruv.

(end of recording playback)

F **Mr Lobbenberg:** Right. Now, Mr Nowak's only wearing one show, isn't he, as he climbs?

Mr Digwa: Yes.

G **Mr Lobbenberg:** He wants to get away from you, doesn't he?

Mr Digwa: Yes.

H **Mr Lobbenberg:** Because you've stabbed him. That's right, isn't it?

Mr Digwa: Yes.

Mr Lobbenberg: And we know, we know that as he climbs he's bleeding.

A
(pause)

Mr Lobbenberg: Why do you make that film, that video?

B
Mr Digwa: I thought Mr Nowak was trying to run away after he attacked me. I made that short video to show that he was running away as well as to just get some sort of identification of him. I didn't know him, I didn't know his name. All I knew about him was that he was from Essex.

C
Mr Lobbenberg: Your brother was already filming at that stage, wasn't he?

Mr Digwa: My brother was, yes.

D
Mr Lobbenberg: Yes, so why does it take two of you to film this man?

Mr Digwa: I started, I did a short clip, I realised my brother was recording, I stopped.

E
Mr Lobbenberg: And your brother arrives at the scene screaming abuse, doesn't he?

Mr Digwa: He does, yes.

(pause)

F
Mr Lobbenberg: You weren't filming Henry Nowak running away from you because you wanted to post it on social media?

G
Mr Digwa: No.

(pause)

H
Mr Lobbenberg: Now, can you please go to tab 6?

(pause)

Mr Lobbenberg: This is when Henry has gone to the other side of the fence, and can we start at 01.35? Page 3, 01.35. Henry says:

A

“I’m dying, I’m dying.”

Go down to 001.39:

B

“I’m dying, I’m dying.”

And you say:

C

“You’re not dying, bro.”

(pause)

D

Mr Lobbenberg: When you heard Henry saying he was dying, were you worried?

Mr Digwa: I thought Mr Nowak was saying this, I was worried because I didn’t realise if I’d fatally stabbed him in the leg. I know I had stabbed him in the leg, I’d had no, no idea that I fatally stabbed him in the chest, so this is where I was slightly more concerned.

E

Mr Lobbenberg: Sorry? You were slightly more concerned --

F

Mr Digwa: Yes.

Mr Lobbenberg: That the young man that you’d stabbed five times was saying that he was dying?

G

Mr Digwa: Yes.

Mr Lobbenberg: At 01.50, you say, he says:

H

“I got stabbed.”

(pause)

A **Mr Lobbenberg:** Can we go over to page 4, please?

(pause)

B **Mr Lobbenberg:** 02.35. You say this:

“No one stabbed you, bro. You fucked up.”

Or:

C “You got fucked up.”

D And at that time, you are now holding *the*, Gurpreet’s phone, because Gurpreet is on the phone to the police. That’s right, isn’t it?

Mr Digwa: Yes.

E **Mr Lobbenberg:** And Mr Nowak says:

“You stabbed me.”

And you reply:

F “No, I didn’t.”

And at the bottom of the page, you say this:

G “‘You started recording me thinking you’re sick.’”

H And at that very moment you have saying those words, you are holding the phone close up to his face, aren’t you?

Mr Digwa: Yes.

A **Mr Lobbenberg:** And I'm just going to briefly show a single image, because it's distressing footage, of what you were choosing, choosing to make a video of. Can we have the image up but briefly?

(pause)

B **Mr Lobbenberg:** And you zoomed in on that, didn't you, at this stage?

Mr Digwa: Yes.

C **Mr Lobbenberg:** Right. Take it down, please. Why? Why are you making a video of the bloody face of Henry Nowak, the man you have stabbed?

D **Mr Digwa:** We were making a video because we thought he was running away to, after he just attacked me.

Mr Lobbenberg: He is lying on the ground bleeding, saying he's dying, and you make a video of his bloody face.

E **Mr Digwa:** I did.

Mr Lobbenberg: Why?

F **Mr Digwa:** I don't know why.

Mr Lobbenberg: Pardon?

G **Mr Digwa:** I don't know why.

Mr Lobbenberg: You don't know why. Was it a trophy for you?

H **Mr Digwa:** No.

(pause)

Mr Lobbenberg: And by the time you made that video, you were fully aware what you'd done, hadn't, weren't you?

A

Mr Digwa: I was aware I'd stabbed twice in the leg.

Mr Lobbenberg: No, you'd stabbed him five times. You told your brother. Three in the front, and you've told us about the leg but you didn't tell your brother about that. You knew what you had done, and you made a video of the man you had stabbed as he lay on the ground saying he was dying.

B

Mr Digwa: Like I said, the cut on his face, I had no idea how that came about. The pinpoint I didn't know. The two stab leg, the two stabs in the leg I did know about, and the fatal wound I did not know about. I did make a video at first. The video was at first because I believed he was trying to run away, trying to escape. In the video we did zoom up into his face which I shouldn't have done.

C

D

Mr Lobbenberg: Right.

His Honour Judge Mousley: Is that a --

E

Mr Lobbenberg: I've got one --

His Honour Judge Mousley: Convenient moment?

F

Mr Lobbenberg: One more topic I'd like to do as a whole.

His Honour Judge Mousley: Would you like to --

G

Mr Lobbenberg: Perhaps we can --

His Honour Judge Mousley: Stop there?

H

Mr Lobbenberg: Stop for lunch now.

His Honour Judge Mousley: Certainly. We'll carry on at 2 o'clock, members of the jury.

A (luncheon adjournment)

Mr Lobbenberg: Can we please go to tab 6, page 3?

B (pause)

Mr Lobbenberg: And look to the bottom of the page, two lines up on page 3. Your brother says, in fact he shouts on the video:

C “I am calling the police. I’m calling the police now.”

Do you remember listening to that?

D **Mr Digwa:** Yes.

Mr Lobbenberg: And when that was said, present at the scene from your family are yourself and Gurpreet, your mum, and your dad. Anybody else?

E **Mr Digwa:** No, that was everyone present.

Mr Lobbenberg: Right.

F (pause)

Mr Lobbenberg: So you know that the police have, are going to be called by your brother, Gurpreet.

G **Mr Digwa:** Yes.

Mr Lobbenberg: And you know you haven’t told Gurpreet that you’ve stabbed anyone, have you?

H **Mr Digwa:** No.

(pause)

A

Mr Lobbenberg: Can we go over the page, actually, it's easier to do it from the storyboard. Let's just, just looking over the page first of all. Do you see some, at 002.21, some translation from Punjabi?

B

Mr Digwa: Yes.

Mr Lobbenberg: And that is the conversation between you and your mum, isn't it?

C

Mr Digwa: Yes.

Mr Lobbenberg: About taking your knife from you.

D

Mr Digwa: Yes.

Mr Lobbenberg: And we can see, can we go to the storyboard, please? Tab 14.

(pause)

E

Mr Lobbenberg: It's just a bit easier to do it from this document. We see the box number four. You agree that you had that conversation with your mum to take the knife from you?

F

Mr Digwa: I agree.

Mr Lobbenberg: Why?

G

Mr Digwa: I asked --

Mr Lobbenberg: Did you --

H

Mr Digwa: Sorry.

Mr Lobbenberg: Why did you remove your knife?

A

Mr Digwa: I needed to take off my kirpan because I needed to pick up the rest of my items, by bunga, my dastar, my kanga, my AirPods, all these other items that have fallen out of my pockets or my head during the altercation. The kirpan, *where* all my *dastar are* and all my other pieces were, were next to bins, they were on the floor. Putting a kirpan on the floor is sacrilege. You cannot do it. It's a very important, hence why I asked my mum to hold it.

B

Mr Lobbenberg: Why did you have to take it off at all?

Mr Digwa: Because I needed to go next to bins to pick up my dastar, my keski, my bunga, my kanga.

C

Mr Lobbenberg: But why can't you carry on wearing your kirpan?

D

Mr Digwa: Because it would have touched the floor. I had to be bent down going next to dirty bins going onto the floor.

Mr Lobbenberg: So you say it's just coincidence that, that your brother having said:

E

"I'm calling the police"

that you asked your mother to hold the kirpan.

F

Mr Digwa: I asked my mother to hold the kirpan, she was the closest to me, and I needed to pick up the rest of my items.

Mr Lobbenberg: But what did your mother then do?

G

Mr Digwa: I didn't see my mother much after that.

Mr Lobbenberg: Well, let's --

H

Mr Digwa: From now --

Mr Lobbenberg: Think --

Mr Digwa: I know she went home, but I never told her:

A

“Go back home. [I never told her] hide it.”

Mr Lobbenberg: Well, your mother knows that that antique kirpan is special for you, isn't it?

B

Mr Digwa: She does, yes.

Mr Lobbenberg: It's precious for you.

C

Mr Digwa: She does, yes.

Mr Lobbenberg: And yet when you've finished doing whatever you say you did, and we'll look at that again, where was your kirpan? Was it at the scene?

D

Mr Digwa: No.

Mr Lobbenberg: Did you ask where it was?

E

Mr Digwa: I had asked my mum where it was, but I didn't see my mum much after that.

Mr Lobbenberg: And where did she tell you the kirpan was?

F

Mr Digwa: She never told me.

Mr Lobbenberg: So you ask her where your precious thing is and she doesn't answer you?

G

Mr Digwa: No.

Mr Lobbenberg: She's silent?

H

Mr Digwa: By this time then as well the police had come, they were asking me the questions, and then I had been arrested.

Mr Lobbenberg: So you've no idea what happened to your knife?

- A** **Mr Digwa:** I didn't know where it ended up, no.
- Mr Lobbenberg:** It's your precious thing and it just disappeared?
- B** **Mr Digwa:** I handed it to my mum. I didn't know what happened to it. After I was arrested, then I was told it was found in my room --
- Mr Lobbenberg:** *Is that --*
- C** **Mr Digwa:** Along with all of my other kirpan and other antique Sikh swords.
- Mr Lobbenberg:** It was found in your room, and what happens after you take your kirpan off? You say you're worried because you're going to look for the things that had gone on the floor. But when we see ...
- D**
- (pause)
- E** **Mr Lobbenberg:** In the transcript on page 4 what you're doing and we can see it on the video. This is the time, once Gurpreet's on the phone, you're holding his phone and this is when you go and video Mr Nowak. You're not looking for your religious items, you're videoing Mr Nowak, aren't you?
- F** **Mr Digwa:** After the video, that is when I went to look for my religious items.
- Mr Lobbenberg:** So why do you need to get rid of the knife that you used to stab Mr Nowak to make a video of him?
- G** **Mr Digwa:** I didn't need to get rid of the knife. I needed to give the kirpan to my mum to hold so I can pick up the rest of the items.
- H** **Mr Lobbenberg:** But that's not what you do.
- Mr Digwa:** After the video, it is what I do.

Mr Lobbenberg: And why don't --

A

Mr Digwa: I managed to pick up my dumalla which was on the floor. I don't pick up the bunga, I don't pick up the keski because I couldn't find it. I couldn't even find the kanga, the wooden comb that was there, I never found it.

B

Mr Lobbenberg: And we can see you know your mother leaves and disappears from the scene. You must have seen that she wasn't there anymore.

Mr Digwa: I did see that, yes.

C

Mr Lobbenberg: And if we look at page 17 of our storyboard ...

(pause)

D

Mr Lobbenberg: Box two, and we've looked at the footage of her coming up the road, coming to the door of the house, and then coming back to the scene. So you noticed that she'd gone and you noticed that she came back.

E

Mr Digwa: Like I said, when she came back, I didn't see much of her *because* --

Mr Lobbenberg: But --

F

Mr Digwa: Sorry --

Mr Lobbenberg: Just did you notice that she'd come back is my question?

G

Mr Digwa: Yes.

Mr Lobbenberg: And when she came back, did she have your kirpan?

H

Mr Digwa: Not that I was aware of, no.

Mr Lobbenberg: Could you see it --

Mr Digwa: No.

A

Mr Lobbenberg: On her? No. So when you first gave it to her, you could see it, couldn't you?

Mr Digwa: Yes.

B

Mr Lobbenberg: When she comes back, she doesn't have it.

Mr Digwa: Yes.

C

Mr Lobbenberg: Did you have any conversation with her about:

“Where's my special kirpan?”

D

Mr Digwa: I did ask her. I asked her:

“Where is it?”

E

And then after --

Mr Lobbenberg: And what did she say?

Mr Digwa: No answer.

F

Mr Lobbenberg: And this is just entirely coincidence that this happens when you know the police is coming?

G

Mr Digwa: Yes.

Mr Lobbenberg: Coincidence? All right. Can we look at tab 17?

H

(pause)

Mr Lobbenberg: The top picture at 23.24.47, you've got your knife and your hair is in a bun.

Mr Digwa: Yes. So my hair is in a loose bun which is what is called a joora, so without a bunga this is how you tie up the hair.

A

Mr Lobbenberg: What is it, what is it like?

Mr Digwa: It --

B

Mr Lobbenberg: Is it like a hairband?

Mr Digwa: No, there's no elastic, there's no hairband, you just wrap the hair slightly --

C

Mr Lobbenberg: OK.

Mr Digwa: In a loose bun.

D

Mr Lobbenberg: Thank you. Now the police have come and your hair is down. Is that a coincidence?

Mr Digwa: When the police arrived, I was running around going behind the other side of the fence to the other side of the fence, I was looking down, looking up. It's a loose bun, it's not purposefully tied to be tight so it doesn't open. It opens up. As it then opened up as the bunga is what secures the hair properly.

E

Mr Lobbenberg: *But* curiously, you're telling the policeman that your hair's been pulled.

F

Mr Digwa: Yes, I also --

Mr Lobbenberg: And your hair is down.

G

Mr Digwa: I was also demonstrating on the body worn camera here how he was pulling my hair around, how Mr Nowak was ragging me around from the hair.

H

Mr Lobbenberg: And we can also see you're no longer wearing your big sharp knife.

A **Mr Digwa:** Yes, my kirpan was no longer with me. Like I mentioned, I handed it to my mother. When my mother came back I only saw her briefly. I did ask her but then this is when I was interviewed by the police or speaking to the police and then from there I was arrested.

B **Mr Lobbenberg:** You see I suggest you have deliberately got rid of your, that weapon knowing full well what you've done with it.

C **Mr Digwa:** No, that is not the case. Like I mentioned, a kirpan is a sacred item. It cannot go on the floor, it cannot go next to dirty bins. It can't go on the floor, it can't go anywhere like that. I handed it to my mother because she was the closest one to me. She went off. I didn't know where she went, I didn't ask her. All I asked her when she did come back is:

"Where is it?"

D That's all I asked.

Mr Lobbenberg: The position is that knife had been used to fatally wound Henry Nowak.

E **Mr Digwa:** At the time, I did not realise I had fatally wounded Henry Nowak.

(counsel confer)

F **Mr Lobbenberg:** Can we go back to the defence case statement?

(pause)

G **Mr Lobbenberg:** Paragraph 11. Can you read it to yourself?

(pause)

H **Mr Lobbenberg:** Have you had a chance to read that?

Mr Digwa: Yes.

A **Mr Lobbenberg:** Do you agree that in this document you said that you became aware that he must have stabbed Mr Nowak in the chest when his father attended the scene and his light coloured shirt became covered in blood?

B **Mr Digwa:** No. I knew Mr Nowak was hurt, was wounded and was stabbed in the back of the leg, I knew he was bleeding, but I did not know he was stabbed in the chest until I got to the police station and I was prepared, I was given that pre-interview disclosure.

Mr Lobbenberg: In your defence case statement, you said this. You first say:

C “He didn’t know he’d stabbed Mr Nowak to the chest. He became aware that he must have done when his father attended the scene and his light coloured shirt became covered in blood.”

D So there in your defence case statement, you’re making it plain you knew at the scene that you had stabbed Henry Nowak in the chest.

Mr Digwa: At the scene I did not know.

E **Mr Lobbenberg:** Well why did you write in your defence statement that you did?

Mr Digwa: I knew I had stabbed him twice in the leg.

F **Mr Lobbenberg:** That’s not what it says, is it.

Mr Digwa: I don’t know why it says it that.

G **Mr Lobbenberg:** You don’t know why it says that? I suggest that what you write in your defence statement is a lie. You knew full well you’d stabbed Henry Nowak in the chest because you did it deliberately in front of him targeting him.

H **Mr Digwa:** That is not the case.

Mr Lobbenberg: All right.

(pause)

A

Mr Lobbenberg: So ...

(pause)

B

Mr Lobbenberg: I'm very nearly finished.

(pause)

C

Mr Lobbenberg: I'm going to put the Prosecution case to you to give you an opportunity to comment, all right?

Mr Digwa: OK.

D

Mr Lobbenberg: I suggest Henry Nowak was walking home from his evening out. He was not drunk. He was not stumbling. He was not weaving. I suggest he was not racist, he was not the aggressor.

E

His Honour Judge Mousley: Just pause a moment. Do you agree with any of those suggestions?

Mr Digwa: No.

F

Mr Lobbenberg: I suggest you became upset when he videoed you. You grabbed his phone, and you put it in your pocket. You caused the confrontation.

G

Mr Digwa: No.

Mr Lobbenberg: There was no need to draw your knife at, as your, as was observed in the police van. You struck Henry by surprise to the front three times. There were no defence injuries.

H

Mr Digwa: No.

Mr Lobbenberg: And as he fled, you continued to attack him, striking to the rear twice.

A

Mr Digwa: No.

Mr Lobbenberg: At the scene you lied to hide what you had done.

B

Mr Digwa: No.

Mr Lobbenberg: You accept you lied, don't you?

C

Mr Digwa: I accept I lied, but not to hide what I had done.

Mr Lobbenberg: And you didn't get an ambulance for Henry as he was complaining he was dying and stabbed. You didn't.

D

Mr Digwa: I told my brother to call an ambulance.

Mr Lobbenberg: Can we see that on any of the transcripts?

E

Mr Digwa: I'm not sure.

Mr Lobbenberg: All right. That's all I ask.

F

(counsel confer)

Mr Wainwright: Do you have your defence statement in front of you?

G

Mr Digwa: I do.

Mr Wainwright: There was one part that you were asked about this morning. I think it was paragraph 7. *Only* part of paragraph 7 was put to you, do you remember that?

H

Mr Digwa: Yes.

Mr Wainwright: And His Honour the Judge asked you to read all of paragraph 7 but you were only, could you read out to the jury paragraph 7, please? The whole of it.

A

Mr Digwa: The whole, the whole?

Mr Wainwright: The whole of the paragraph and including the bit Mr Lobbenberg asked you about.

B

Mr Digwa:

“Mr Nowak stepped back and punched the Defendants [turban off,] turban off his head. Mr Nowak grabbed the Defendants hair and pulled him around. Defendant has long hair that falls to his mid back. The Defendant [was,] was held bent over and kept shouting at Mr Nowak to let go. Mr Nowak used words like ‘I’m going to fuck you up’ which the Defendant interpreted as a threat of violence. The Defendant did not know what was going to happen next and *genuinely* feared for his personal safety. He grabbed the kirpan that was clearly visible on the left side of his clothing with his left hand and stabbed Mr Nowak twice to the rear of his leg in an effort to stop Mr Nowak from attacking him.”

C

D

E

Mr Wainwright: I’m not going to ask you about any, any more of the defence statement, but you do also, just so the jury understand, cover the rest of the incident in the defence statement?

F

Mr Digwa: Yes.

Mr Wainwright: Including the push away with the kirpan in your right hand.

G

Mr Digwa: Yes.

Mr Wainwright: Thank you. Your Honour, I’ve got no further re-examination. Does Your Honour have any questions?

H

His Honour Judge Mousley: I *do still* have two or three, I think. After you had pushed Henry away, put your hands on his chest, what did you do with the knife?

A **Mr Digwa:** The knife was then put back in its sheath.

(pause)

B **His Honour Judge Mousley:** Why did you not need it anymore?

Mr Digwa: Because he was off me. I felt like the threat had finished.

(pause)

C **Mr Digwa:** I did not follow --

His Honour Judge Mousley: Hang on, just pause a *moment*.

D **Mr Digwa:** Sorry.

(pause)

E **His Honour Judge Mousley:** So he was moving away?

Mr Digwa: He was pushed away, yeah, so he was no longer on me, and I did not follow up and I didn't use a follow up.

F (pause)

G **His Honour Judge Mousley:** You have said that the kirpan should not come into contact with the ground.

Mr Digwa: Yes.

H **His Honour Judge Mousley:** Yeah. But do I understand it, is the kirpan the knife?

Mr Digwa: The kirpan is a knife, yes.

(pause)

A

His Honour Judge Mousley: Did you give your mother the sheath and the belt that you had it attached to you with?

Mr Digwa: Yes.

B

His Honour Judge Mousley: And why did you do that?

Mr Digwa: That's how the kirpan is *whole* and held, it's always on the, on the belt.

C

His Honour Judge Mousley: But why couldn't you just give her the knife if you didn't want that to touch the ground?

D

Mr Digwa: Because it was in, it's in the belt, so I just gave her the belt. It was just easier to do that.

(pause)

E

His Honour Judge Mousley: You were asked some questions about *a* difference, from Mr Lobbenberg about *a* difference between when you first realised that Henry Nowak had been stabbed and he asked you to, he'd asked you to look at the, your defence statement and the reference to, there that you had said then that, that it was, it was when, that you noticed it, that you believed that he had been stabbed when you saw your father who was tending to Henry with blood on his shirt, yeah? So you understand, all right --

F

Mr Digwa: Yeah.

G

His Honour Judge Mousley: That's, and what I want to ask you about is this. Did you see your dad with blood, your father with blood on his shirt?

H

Mr Digwa: Yes.

(pause)

His Honour Judge Mousley: Did you think where the blood had come from?

A

Mr Digwa: I thought the blood had come from the face.

(pause)

B

Mr Digwa: Other than Mr Nowak's face, there wasn't much blood on his clothing. Nor was there on mine, *so*.

C

His Honour Judge Mousley: And just so I understand it, so why, why did you say then that you, that was when, when you made your defence statement, that that was when you thought he had been stabbed as opposed to, in the chest, as opposed to what you say which is that in fact you only knew that at the police station. So, so why did you say something different about it when you made that statement?

D

Mr Digwa: I don't know.

(pause)

E

Mr Digwa: But I was truly, I truly realised in the police station when they gave me that prepared document. The, the pre-interview disclosure to say it was a fatal wound to the chest.

(pause)

F

His Honour Judge Mousley: So when you, when you saw the, the blood on his face and the wound to his face, what, how did you, what did you think about how that had been caused?

G

Mr Digwa: I said that I believed it was from when he was falling over the bins and when he fell from the fence.

H

His Honour Judge Mousley: So, but when you, when you were there on the spot and you say you saw that, what did you think had caused that injury then?

Mr Digwa: I thought it was potentially that my brother or when he fell over from the fence onto the car.

A (pause)

His Honour Judge Mousley: You thought that he might have got it from your brother.

B **Mr Digwa:** Or from when he fell from the fence onto the floor, onto the gravel.

(pause)

C **His Honour Judge Mousley:** And, and lastly this. Your turban came off as a result of what?

Mr Digwa: Henry punching it off.

His Honour Judge Mousley: Once or more than once?

D **Mr Digwa:** Once.

(pause)

E **Mr Digwa:** It was a deliberate punch to the turban.

(pause)

F **Mr Digwa:** All three layers of the turban had come off as well, including the bunga, the keski, and the dumalla.

His Honour Judge Mousley: Yeah.

G (pause)

His Honour Judge Mousley: So just so I understand this, did it, did it just come off as one or did it unravel and was it unravelling in the struggle?

H **Mr Digwa:** So the dumalla and keski come off together. The bunga, so when it gets pushed to a side --

A **His Honour Judge Mousley:** Yeah.

Mr Digwa: The bunga also moved to a side so then the bunga cloth is also --

B **His Honour Judge Mousley:** All right --

Mr Digwa: On --

C **His Honour Judge Mousley:** But it didn't, it didn't, as it were, it wasn't unravelling --

Mr Digwa: No, no --

D **His Honour Judge Mousley:** It just --

Mr Digwa: No --

E **His Honour Judge Mousley:** Came off --

Mr Digwa: No, no. No, it came --

F **His Honour Judge Mousley:** All right.

Mr Digwa: Off, yes.

G **His Honour Judge Mousley:** All right. Yes, any questions arising?

Mr Wainwright: No, thank you, Your Honour.

Mr Lobbenberg: No, thank you, Your Honour.

H **His Honour Judge Mousley:** Yes. I think we'll take a break.

Mr Wainwright: Your Honour, I think there may be a question from --

His Honour Judge Mousley: Ah, there may be a note from --

A

Mr Wainwright: A juror.

His Honour Judge Mousley: One of the jurors. Thank you very much.

B

Mr Wainwright: A note, at least.

(pause)

C

His Honour Judge Mousley: Yeah. It's really just asking for clarification as to how many, so the, I, I'll, I, I'll read, I'll say what the note says and then you can deal with it:

D

“Yesterday Vickrum testified Henry with his left hand but was unsure about his Vickrum. Today Vickrum presented [that what he, what, presented] what he did and he used both hands, confirming also pushing Henry with his right hand whilst holding the knife.”

E

So can you just help us, did you push him with one hand or two hands?

F

Mr Digwa: I pushed him with two hands. Yesterday Mr Wainwright asked me the question did I feel contact with both hands on his chest. My left hand I definitely felt contact with his chest. The right hand I didn't know whether it went --

G

His Honour Judge Mousley: All right.

Mr Digwa: Onto his chest or not.

H

His Honour Judge Mousley: All right, thank you. Yes, thank you for your note. All right.

A

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