

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)

Counsel's Closing Remarks (Defence for Kiran Kaur)

Hearing date: 26 May 2026

Transcribed from 14:30:11 until 14:43:38

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A **Mr Watson:** At the centre of this case lies a simple, unavoidable reality. What happened to Henry Nowak in December 2025 is a tragedy. Henry Nowak should not have died. He should have been allowed to live his life, to continue his studies, to enjoy his time at university, to fulfil his potential. All of that's been taken away and is a very real, human loss. But that loss, no matter how profound, does not answer the questions that you are going to have to answer.

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Tragedy and emotion do not and cannot determine guilt. They cannot replace evidence. They're a bit like a compass. They can point us to things and tell us that something is important, but no matter how profound, how strong those emotions, they cannot answer, as I've said, the question really, the central question that you have to consider for Ms Kaur, did she knowingly, deliberately, criminally assist her son?

C

D Now, there is a real danger with a case like this with all the issues, with the emotions that we've all heard and felt, and the seriousness of what's happened may distort evidence and the reality at the time when this all took place in December 2025. But you have to decide this case on its evidence, not emotion. On proof, not assumption.

E *Our*, for Ms Kaur, you can't, you don't and you can't determine every single issue that has been raised. Your task is much narrower, far more disciplined. Has the Prosecution proved so that you are sure that Ms Kaur knowingly and deliberately assisted an offender?

F Now, Ms Kaur chose not to give evidence and that's her right. However, it does not relieve the Crown of its burden and its duty. The burden remains on them throughout to prove that she knew that that kirpan had been used in a serious crime and that she attended to assist her son to evade justice.

G Now, that burden is not a formality, the burden of proof, it's a safeguard that we all enjoy, that prevents speculation turning into a conviction. It does not shift, does not weaken, it doesn't bend. Suspicion is not enough. Possibility is not enough. Probability is not enough. Now, in every case from the most minor of shop lifting to the most serious that you have heard, that concept remains the same, and in the more serious cases, you may think that actually that safeguard becomes even more important. Now, you have to be sure, and His Honour's directed you on it.

H

A Now, we hear sure every day, don't we? Sounds such a completely ordinary word. It feels like a simple word and a simple concept. But when you actually really think about what does it mean to be sure of something, it's slightly more complicated, isn't it? It's a high bar, such a high bar, when you actually consider what it means, what it symbolises. For example, are you sure you double locked the front door this morning? Without looking, now this is a trite

B example, but without looking, would you know what colour socks you were wearing at the moment?

C The Crown's case really, with all of its presentation, with all of the evidence it's called for Ms Kaur, it really turns on one single issue that when she took the kirpan she knew it was connected to a crime. So ask yourselves, what evidence demonstrates that knowledge? Perhaps look at what the facts that you have that are incontrovertible.

D We know she wasn't there when any violence took place. We know she wasn't present during the attack. Now, those are important matters because it has to mean that her knowledge of what took place came from something she must have learned after the violence took place at the scene.

E Now, you heard evidence that Henry said he'd been stabbed. However, you know also that Ms Kaur has no formal education and was speaking Punjabi at the scene. The scene, you, again, you've seen the video, heard the audio, chaotic and loud, and you may think that those words didn't cross that language barrier. You may also think that *they can't be used, to say*, well, she

F must have known.

G Think about it, she was woken out of her bed, told that there was something going on, ran out of home, you saw the footage, in the middle of the night in her nightclothes. Can you imagine how disorientating that would be? Now she gets there and it's chaos as we have seen. Now, what had happened wasn't obvious to anyone, not even the police who are trained to investigate these sort of things, had no idea he'd been stabbed, so you may think for Ms Kaur, how could she know what had happened?

H Now, look at what we actually, when she gets there, the scene that presents itself. A man seated against a wall, we've seen some blood near his mouth, people talking, moving, reacting loudly, quickly. Noise, shouting, confusion. Does that scene suggest that she must have coolly, calmly

calculated that what had happened and put all of the, well, absent the facts together to come to an extraordinary conclusion, at the time?

A

You know that her son asked her to hold the kirpan, and you know that she did. The Crown say:

“Well, that demonstrates that she was assisting knowingly.”

B

But what did she understand the kirpan to be at that moment? And you heard evidence, very helpful evidence from that expert that it is a religious article, symbol of faith, routinely carried as part of Sikh practice. Now, with all that, *you’ve got* a Sikh woman, a mother, handed a kirpan by her son, not, it’s not what we see now, it’s what did she see at that time?

C

Now hindsight is a very, very dangerous thing. We know the tragedy that Henry died, and we know that the kirpan was the item that brought that about. Now, it’s a strange thing when items just, inanimate objects are involved in something, something either traumatic, a tragedy, or something joyous.

D

Experience changes how we perceive that item. Take a guitar. On its own, it’s just a car, a, a guitar. You might think it looks beautiful or not, interesting or not, but it’s just an instrument. Now, I remember standing outside a guitar on Commercial Road as a school kid with friends ogling and fantasising about those instruments in that window. But imagine if those inanimate objects, we found out that one of them had used, been used by, for example, David Bowie to write Heroes. Suddenly, that guitar takes on a far more profound nature, doesn’t it? Becomes significant, becomes something almost possibly mythical. That is the, that’s how experience and knowledge of that experience can impact how we perceive inanimate objects, but it doesn’t change the object itself. So do not allow what we now know about that kirpan to look back at the time and think it must have been obvious to anybody.

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Now, we know there’s, well, no evidence that she examined it. No evidence about the bloody, as we saw, it was in the middle of the night, still in its scabbard. No evidence that she reacted as if it was a weapon. She would have seen her son, you may think, in a state of disarray, seen him handling the items on the floor, and seen him handing her something that he had all the time and a religious item. You may think that at that time, being handed it, she would have just seen it as exactly that, an ordinary item she saw every single day. Nothing sinister at that time in her knowledge. Again, similar to like if a Catholic handed another Catholic their rosary

H

beads. They wouldn't think of it as an item of jewellery or of a necklace, it's something, it's to do with their faith, it has a very different nature, you may think.

A

But then let's look at what happens after she's handed *to it*, where the Crown say essentially that she gets rid of it. We know that it was taken back to the family home, placed with all the other religious items and the other kirpans. Do you think that's hiding, members of the jury, or is that something, putting something back where it normally is? Like at home, if we found a kitchen spoon in the living room, you'd put it back in the kitchen, wouldn't you, without thinking because that's just where it belongs.

B

Because you may think that if someone was actually trying to conceal evidence, knowing that it had been involved in something, you wouldn't put it in its usual place alongside similar items in a location that's entirely predictable and completely visible, and we know also that there was blood on the DNA, blood on the blade, DNA and fatty material. You may think, therefore, that that suggests that it hasn't been cleaned or, or whatever, or wiped down. Was the kirpan put in a, in a cistern of a loo, hidden in a drain? No, she put it where it was easily found, still with the evidence that you heard, the forensic evidence on it, and why? Why did she do that? And you may think that she did all of those things, or didn't actually interfere with the kirpan in anyway, because she had no idea that anything had happened.

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If someone was truly trying to hide something, you don't put it back where it normally is easily, easily accessible, do you? That is not, you may think, concealment. You may think that it's behaviour entirely consistent with not thinking there's anything to hide. Now again, the Crown basically invites you to fill in the gaps that she must have known, she must have known, but that is not evidence. That is assumption. Assumption has no place in this room.

F

You also know that when she goes back to put the kirpan by the others, she puts on a cardigan and comes back. Now, members of the jury, just use your own experience. Now if you had been given, for example, if you put yourself into her shoes, you go, are handed that kirpan that you, on the Crown's case, know has been involved in something really serious and you go home, don't you think that the only thought that would be going through your mind was:

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"I need to hide this, I need to hide this"

like a fire alarm blocking out absolutely everything. You wouldn't be able to think of anything else, would you? You wouldn't think:

A

“Oh, hang on. It's a little bit nippy outside, I'd better get a *cardie* on.”

That's not how people behave.

B

(pause)

Mr Watson: Now you do have to consider, as I've said, that she hasn't given evidence. But be careful because an inference, that His Honour has directed about, cannot create evidence where none exists. It can't fill in gaps. It can't prove knowledge, in my submission, that hasn't been demonstrated. So I come back to the question that matters for Ms Kaur. Are you sure that she knew that kirpan had been used in some offence?

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Now this, for her, the case is really built on inference and inference, I would suggest, unsupported by evidence is speculation, and speculation has no place here. Now, a long time ago, when I was starting as a young barrister I heard an analogy given to a, by a prosecutor to a jury about how a jury approaches the evidence in a trial when the burden and standard of proof and the analogy that they gave was a, a jigsaw puzzle and they said that where you've got evidence you might not get all of the evidence but you certainly get pieces. You get a bit there, looks like the sky. Bit there, looks like a train track. You never get all the pieces but you get enough and you can put that picture together even where you haven't got all the evidence.

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I would suggest that that is not right. That is not the standard that you would apply. I would suggest that a more appropriate analogy is a bit like a house of cards, and where you have evidence, strong evidence, those are like the cards. They build, they start to get close to that high bar. However, if you haven't got evidence or it's weak or it's inconsistent, then that house of cards falls and the Crown falls short of making you sure.

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You have all paid incredible attention into a very moving and upsetting, tragic case. What I ask you to do is to look at the evidence coldly, dispassionately, and calmly, and abide by your oath. Thank you.

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