

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)

Judge's Summing Up

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- A** **His Honour Judge Mousley:** So let me now come to the, the legal directions. I am going to start off with just making some general observations and some general directions on your approach to this case, all right? So you will decide the verdicts, not me or the advocates. Their arguments may or may not help you reach your decisions. I instruct you on the law to apply to
- B** the evidence to help you to decide the facts. Later I will summarise the evidence, but you can also take into account other evidence which I have not included. Send me a written request if you want any further help with the law or the evidence that you have been given.
- C** Do not allow any feelings of sympathy or disapproval to influence your decision. Your decisions must be unbiased. The evidence given by Vickrum Digwa is not devalued just because he is on trial. You should not be concerned about the consequences of your decisions for the Defendants or anyone else, they are not your responsibility.
- D** Recognise that giving evidence in court is not easy, particularly for someone who is, has little or no previous experience of it or is not used to speaking in public. Being the focus of attention and/or having to explain distressing, complicated, or fast moving incidents which happened some time ago may be difficult.
- E** Concentrate on the real issues in the case. Do not spend time discussing things that are agreed by the Prosecution and Defence. Make decisions only on the evidence that has been presented. There will not be any more. You should not think about what other witnesses there might have
- F** been for either Prosecution or Defendants, or guess what they might have said.
- G** Draw common sense conclusions from any facts that you are sure about but do not jump to conclusions without supporting evidence. Do not start with a theory and try to fit the evidence in with it. Reach decisions in your own time. There are no minimum or maximum time limits and you work the same hours as you have done whilst sitting in court, although once you are in discussions, you cannot go out during any lunch break. If your discussions are not finished at the end of a court day, after I have spoken to you all, you will stop all your work on the case and leave, not starting again until the next day, after I have seen you again in the courtroom.
- H** Only discuss the case when you are all together. If any of you need a break for any reason, you will all be supervised by a jury bailiff. You should work together as a team, respect everyone's

A views, even if you do not necessarily agree at the time. Reasonable discussion should hopefully enable you collectively to reach true verdicts. If any problem arises between any of you or there is something that you are unhappy about during, during your discussions which you cannot sort out between you, then let me know by writing down your concern.

B So that's the initial part, and now I'm going to come to the, the more detailed part of the legal directions. One of you sent a note yesterday which asked:

C "Is it illegal to carry a knife the size of the kirpan around with you in public?
[And then you said,] question is raised because one of the counts relates to
carrying an illegal weapon."

I hope the answer to that I'm going to deal with in the next section of the legal directions that I'm going to give you.

D Now, I hope that much of what I'm going to say to you now will sound like common sense, but I recognise that parts of it are going to sound complicated. Try not to be concerned about that, because everything I'm going to tell you now you're going to have on paper, and so you will be able to refer to it or read through it as much or as little as you want to when you're having
E your discussions.

F So you're going to get two documents. The first one I'm going to ask to be distributed in a moment, and I'm then going to go through it. Now different people have, have different view, different approaches to this. Some juries just like to sit and listen to me whilst I'm saying it. Some juries like to follow it through as I'm saying it. I don't mind either way, I shan't take offence, whichever method you decide to use, but the important thing is that you're getting it now on paper so this won't be the one and only time that you'll either hear this or read it. All
G right. Yes, can I ask that the large document, please, go to the jury?

Court Clerk: Certainly.

H **His Honour Judge Mousley:** And usual rules, don't start reading until we go through it together.

(papers handed out)

A **Court Clerk:** *Thank you.* I didn't have one for the Interpreter but is that fine?

His Honour Judge Mousley: Well, there, there should be sufficient for the Defendants which would include an interpreter.

B (pause)

Court Clerk: *Did he* get one?

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

Court Clerk: He has got one, sorry, Your Honour.

D **His Honour Judge Mousley:** Now, I've done my best but there are a couple of typos in, in some of this, so forgive me for that. We'll correct, we'll correct them as we go, all right? And the first one, which is not a very good start, is I've misspelt Vickrum Digwa's name because I've missed the K out in the, in the heading, all right? But these are, as I say, the, the next part of the legal directions for you to have, and I'm going to start with the basic rules.

E The Prosecution must make you sure of a Defendant's guilt. The Defendant does not have to prove anything. If you are sure of it, you will find them guilty. If you are less than sure, you will find them not guilty.

F Second, you must bring in separate verdicts on each of the counts. There's a slight gloss on that, *but*, which I'll come to when I deal with Count 1 and Count 4, but separate verdicts on each of the counts. These can be the same or different, and it follows that you should consider each count separately.

G All 12 of you must agree on a verdict unless and until I say otherwise. Choose one of you to give the verdicts in court and to answer any other questions asked of you by the Court Clerk. It may be a good idea if that person acts as chair during your discussions, but they have no greater say than anyone else.

H (pause)

A **His Honour Judge Mousley:** So I'm going to deal now with the elements of the alleged offences, and you know now that there are four charges on this indictment. Now, it is rare in criminal trials for all the elements of an alleged defence to be in dispute, and the verdicts in this case should boil down to the way you answer certain key questions. However, before getting to those questions, I will set out all the elements of the offences alleged.

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So, Count 1, you know charges Vickrum Digwa with murder, and a person commits the offence of murder if he or she deliberately, unlawfully, causes the death of another and at the time death is caused intends to kill or to cause really serious harm. A little bit more explanation of some of that. The force that the Defendant used must have been used deliberately, that is to say not accidentally. However, if a person does something deliberately to another with an unintended result, he or she has not done it by accident.

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D If a person uses force in, reasonable force in self defence, they have not acted unlawfully. Where self defence is raised, the Prosecution must prove that the person did not honestly believe at the time that there was a need to use force to defend themselves. If they did not have that belief, they acted unlawfully. A person is not required to run away from an attacker, although this may be one consideration when deciding if the use of force was necessary.

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If you decide that the person might have honestly believed some force was necessary in self defence, then the Prosecution must prove that the force used was unreasonable. In deciding this question, you need to consider all the circumstances and you should bear in mind the following.

F Reasonable force is force that is proportionate to the threat that the person believed they faced. They did not have to be exact in measuring how much force was needed, so doing what they honestly and instinctively thought was necessary to defend themselves is strong evidence that the actions were reasonable. If you are sure that they went completely over the top in response to the believed threat, the force was not reasonable and so would be unlawful.

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Next, the force that was used must be a significant cause of death. Not really an issue in this case but it's there so you've got all the evidence of it, and lastly, the person must intend to kill or to cause serious injury when the fatal injury is caused.

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Now, this is where Count 4 comes in, because that is an alternative charge. If a person may not have deliberately caused the fatal injury, or may not have intended to kill or to cause really

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serious harm, he or she is not guilty of murder, but there is then an alternative charge to consider, and this is when we go to Count 4, and that charge is the offence of manslaughter, and a person commits the offence of manslaughter by reason of an unlawful act if he or she deliberately, unlawfully, that is to say not in reasonable self defence, caused the death of another by an act and that act is one which all sober and reasonable people would realise inevitably gave rise to a risk of some but not necessarily serious physical harm, and so I say they're alternatives and so that is a, there is a potential alternative verdict available to you, but let me explain how that will work.

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The person who is giving your verdicts will be asked to give your verdict on the murder charge, Count 1. If your verdict is guilty, you will not be asked to give a verdict for Count 4. If your verdict on Count 1 is not guilty, you will be asked for your verdict on Count 4, and before you're asked about Counts 2 and 3. Vickrum Digwa cannot be guilty of murder and manslaughter. You will decide whether he is guilty of either, or not guilty of one or both.

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Count 2, again that's alleged against Vickrum Digwa and that's the offence of having an article with a blade or point, and a person commits that offence if he or she has with him or her in a public place a bladed or sharply pointed article without lawful authority or good reason. Bit more explanation of part, some parts of that. A person has lawful authority if he or she holds a position of lawful authority, for example a police officer or a soldier, and may therefore have authority to do things in that position which would otherwise be against the law. There is no suggestion that this aspect applies in this case, so you can safely ignore it.

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What amounts to a good reason is for you to decide. It would include where in the particular circumstances it is had only for self defence at that particular time. A good reason may exist when it is had for religious reasons, as part of a national costume, or for use at work. Now, unlike the basic rule that the Prosecution must make you sure of guilt, it is for Vickrum Digwa to prove that it is more likely than not that he had a good reason for having it, and a good reason is what a reasonable person would consider to be a justification, not the actual person's reasoning.

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Now, I haven't put this in writing, but it, it will become very clear when we come to the questions. The good, the question of a good reason, you must consider in, in respect of the whole period of time and particular parts of the time when someone has it. So what may be a good reason at one point may not be a good reason at another point. So I hope you see the

distinction, and it may well be that in this case you'll need to think about whether the position changes when the knife was, was removed from its sheath, for example. But that, I hope, explains a little bit more about that.

Count 3, that's the, the charge brought against Kiran Kaur, and a person commits the offence of assisting an offender if another person has committed murder or any other relevant offence knowing or believing him or her to be guilty of one of the above, does an act with intent to impede the apprehension or prosecution of the other person without lawful authority or reasonable excuse.

So a bit more explanation of some of those things. A, relevant offences include manslaughter, so would include obviously murder, but then manslaughter, wounding, causing grievous bodily harm, and assault occasioning actual bodily harm. If the other person has not committed such an offence, this person cannot be guilty of this offence.

A person has lawful authority if they hold a position of lawful authority, for example, again, police officer or soldier, *and* may therefore have authority to do things in that position which would otherwise be against the law. A reasonable excuse is based on a reasonable person's belief and not what a person may have honestly but unreasonably have believed.

Now, that will all sound complicated, but your task can be simplified by answering a list of questions which will enable you to reach proper verdicts in this case whether guilty or not guilty, and so now I'm, please, I'm going to ask you to have the second document which sets out those questions and again, we'll go through them together.

(route to verdict handed out)

His Honour Judge Mousley: Think you've all got one, good. Now, this is the first time you'll have ever seen this and gone through this, so even this might seem a little bit complicated the first time but I think it will help you and it will enable you to focus in on what are the important issues in this case.

All right, so let's look at the questions. So beginning with Count 1, the allegation of murder, so far as this, these questions are concerned, as you see I've said you should answer the numbered

questions for each count in sequence. You should only consider Count 3 once you have reached verdicts on Count 1 and if appropriate on Count 4, and that should lead you to all your verdicts.

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So Count 1 which is the murder charge. Question one, are you sure Vickrum Digwa deliberately inflicted the wound which killed Henry Nowak? If yes, go to the next question. If no, he is not guilty of Count 1 and you go to question four. Let's stick, however, with these questions.

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Question two, are you sure this was not done in reasonable self defence? If yes, you go to the next question. If no, he is not guilty of Count 1 and you go to question four. Three, are you sure it was done with an intention to kill Henry Nowak or at least to cause him really serious harm?

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If yes, Vickrum Digwa is guilty of Count 1 and do not consider Count 4. If no, he is not guilty of Count 1 and you would then go to question six.

Let's look at Count 4, the questions there. Four, are you sure Vickrum Digwa deliberately used force which resulted in a wound? If yes, go to the next question. If no, he is not guilty of Count 4. Five, are you sure this was not done in reasonable self defence? If yes, go to the next question.

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If no, he is not guilty of Count 4, and then question six, and there's a, there's a minor typo in here for you to correct. Are you sure all sober and reasonable people would have realised that, can you cross out CH and write in HN. I'll start that again, are you sure all sober and reasonable people would have realised that Henry Nowak might be caused some harm by that, however slight? If yes, he is guilty of Count 4. If no, he is not guilty of Count 4.

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Over the page, Count 2, single question. Is it more likely than not that for the whole of the time from going out from his home with the knife until giving it to Kiran Kaur, Vickrum Digwa had a good reason for having it? If yes, he is not guilty. If no, he is guilty, and then Count 3 in respect of Kiran Kaur. One, are you sure Vickrum Digwa is guilty of Count 1 or Count 4? If yes, consider the next question. If no, Kiran Kaur is not guilty. Two, are you sure at any point after taking the, taking the knife to when it was found, Kiran Kaur knew or believed that Vickrum *Diga*, Digwa had stabbed Henry Nowak, causing injury? If yes, consider the next question. If no, she is not guilty, and three, are you sure she intended to make it harder for Vickrum Digwa to be caught or prosecuted? If yes, she is guilty. If no, she is not guilty.

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So I'm sure you'll have to go, read through that a few times, but it sets out a logical sequence to reaching your verdicts in this case, and as you will probably have noticed *as you* go through, you may need to answer all these questions, you may not need to answer all of the questions. It will depend on the answers, the answer to the previous question or previous questions as to, as

to whether or not you do, but hopefully that gives you a structure to work through when you're having your discussions.

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We can go back to the other document. This section is all about how you might go about evaluating types of evidence that you've heard in the case, and the first heading under this section is indirect evidence. Now, in this case, much of the evidence relied upon by the Prosecution to prove the alleged offences is indirect in that the only eye witnesses were Henry Nowak and Vickrum Digwa, and of course to an extent Kiran Kaur. The Prosecution argues that all the surrounding circumstances before and after the physical incident between them leads to the inescapable conclusion that both Vickrum Digwa and Kiran Kaur are guilty. In other words, the variety of facts proved cannot be explained as innocent coincidence.

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Circumstantial evidence, as it is called, can be powerful evidence, but it needs to be examined with care to make sure that it does have that effect. It is the conclusion that you draw from the facts that is vital, as there is much doubt about many of them. Vickrum Digwa argues that the surrounding circumstances may have an innocent explanation and he has given direct evidence of the incident from his perspective. Vickrum Digwa argues that the circumstantial evidence does not permit a safe conclusion that he is guilty, and Kiran Kaur will make the same argument but in a different context.

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You should examine each of these surrounding circumstances and having decided what evidence you accept then consider whether looked at as a whole it drives you to conclude so that you are sure that Vickrum Digwa and/or Kiran Kaur is or are guilty.

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The next heading is decisions about another Defendant. In this case, your decision about one Defendant may influence your separate on another. If Vickrum Digwa is not guilty, then Kiran Kaur is too. If Vickrum Digwa is guilty, that may support the case against Kiran Kaur but it does not necessarily follow that she is guilty. The Prosecution must still prove the case against her and make you sure before you can reach a guilty verdict against her.

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Next heading, experts. You've heard from two experts in this case, Dr Jeffrey and Professor Gurnam Singh. As I've already said, you decide the facts and normally witnesses cannot give their opinions, however this does not always apply to expert witnesses whose knowledge and experience in a particular area is most likely greater than yours, and they can give you the

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benefit of that expertise. You do not have to accept their opinions, but you may do so, especially as their expert evidence has not been challenged.

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Next heading is lies told by a Defendant. When the police were called and then arrived in Belmont Road, Vickrum Digwa said nothing about stabbing Henry Nowak, using violence, or having had a knife which he had then given to Kiran Kaur. Gurpreet Digwa, his brother, did the same, beginning with the 999 call. Vickrum Digwa accepts he lied to the police about that. Gurpreet Digwa was either lying or told lies by Vickrum Digwa which he then passed on, believing that which he had been told, or he just got it wrong by mistake. Lies by a Defendant or lies by another of which you are sure, and you might want to write in there VD as opposed to he, Vickrum Digwa was the source can be evidence which supports the Prosecution case, but only if you are sure that Vickrum Digwa had not lied for another reason. Sometimes a person will lie or go along with a lie out of panic or embarrassment, or in an attempt to boost a genuine offence, or to hide other criminal or bad behaviour not amounting to the offence alleged.

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Next heading, no comment interviews with Vickrum Digwa and the prepared statement. When Vickrum Digwa was interviewed by the police, he did not answer any questions. He did not have to give his explanation because he had the right to silence, but he had been warned that a failure to mention something he later relied on in court could lead to conclusions being drawn against him at the trial. He provided a statement before his final interview which you have in which he gave his first explanation after the arrest, but in, in that he did not mention things he later relied on in his evidence. Specifically, he did not mention that Henry Nowak was stumbling and weaving across the pavement or that he, Vickrum Digwa, moved into the road where Henry Nowak deliberately barged into him, or that Henry Nowak threatened to fuck him up and to kill him, or that he, that is Vickrum Digwa, pushed Henry Nowak away with both hands to the chest after he had stabbed him twice in the leg, or that once Henry Nowak had been pushed, the incident ended before his brother arrived.

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Now, if you wish, you may decide that it is a sensible and fair conclusion that his failure to mention those things means that he had no proper explanation at the time for the allegations being made because they were true, and has come up with a false explanation which might fit around Prosecution evidence. However, you should only draw that conclusion if it is fair to do so, and it would be unfair to draw that conclusion if the Prosecution has not built a case against him that needs an explanation, or he could not reasonably have been expected at the time of his interview to provide a more detailed explanation, or he might just have followed legal advice

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not to answer questions rather than using such advice as a convenient excuse not to give a detailed explanation in answer to questions, and/or he might have kept quiet about those things for innocent reasons, out of fear, being worried about implicating others, to hide other behaviour to which the charges do not relate would be examples. If you do reach any such conclusion against him, you should not find him guilty wholly or mainly because of it. It is just part of the case against him.

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The next heading is Vickrum Digwa's defence statement. Now, before the trial, the Prosecution must provide the Defence with all the evidence on which they rely. In response, the, the, the Defence must provide a defence statement which tells the Court a) those parts of the Prosecution case with which D, the Defendant, disagrees, and b) the facts upon which the Defendant is to rely on in their defence.

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You know, because you have that, I think it's behind tab 15 or 14 in your file, we needn't go through it now. 14. You know that, that that statement he made did not mention that Henry Nowak threatened to kill him before he took out the knife and used it. Now, if you wish, you may decide that it is a sensible and fair conclusion that his failure to mention that in that statement means that he still had no proper explanation at the time for the allegations being made because they were true and has come up with a false explanation which he first gave in the witness box.

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However, you should only draw that conclusion if it is fair to do so, and it would be unfair to draw that conclusion if the Prosecution has not built a case against him that needs an explanation, or he could not reasonably have been expected at the time of the statement to provide that explanation, or he might just have signed the statement which had been prepared by his lawyers who had not included that detail, or he might have kept quiet about it for innocent reasons, again examples, out of fear, being worried about implicating others, to hide other behaviour to which the charges do not relate.

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You should also remember that he had not been warned or cautioned about the consequences of not mentioning all the details as had happened when he was in police custody. If you do reach any such conclusion against him, you should not find him guilty wholly or mainly because of it. It is just part of the case against him.

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Next heading is Kiran Kaur not giving evidence. Kiran Kaur decided not to give evidence. She had an absolute right not to and the Prosecution must make you sure of the case against her. She provided two very short statements which you have when she was in police custody and which are part of the evidence for you to consider. However, she has not given any explanation in court of the Prosecution case or been tested like other witnesses in the case, and you've not been able to form an impression of the way she puts forward her defence, reacts when questioned, or seen whether all or part of her defence would have changed during questioning in court.

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In addition, it was confirmed in court by Mr Watson that the Defendant understood that by not giving evidence there might be another consequence. If you are sure that the Prosecution has built a sufficiently strong case against her to call for an answer, you can conclude that she has no credible explanation for that case made against her, and use that conclusion as supporting for the Prosecution if it is fair to do so. It does not prove the case against her by itself.

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And lastly, members of the jury, the last heading, the character of Vickrum Digwa and Kiran Kaur. The fact that both the Defendants have no previous convictions or cautions does not automatically mean that one or both is not guilty, but you should consider in their favour whether they are less likely than a person with previous convictions to have committed the offences they are charged with. In respect of Vickrum Digwa, you should also consider whether it makes him more likely to have told the truth when he gave evidence, and that, members of the jury, concludes the legal directions in the case, and as I said to you yesterday, we will go no further today.

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I would like to start, if we can please, at 10 o'clock on Tuesday, so 10 o'clock on Tuesday when you will, as I remind you, you will hear then the closing speeches on behalf of the Prosecution and each of the Defendants. I expect that will take quite a proportion of the day. It might even be enough, *well, to, to*, for the whole of the day. We will see, and then after that I will, I will then begin to summarise the evidence in the case.

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We're obviously now getting towards a really crucial part of the, of the case, and so I, I remind you of those warnings about not talking about the case to anyone else, including on social media, not to do any research or carry out any investigations about anyone or anything concerning this case, and not to go looking for material about it.

A I would, I would encourage you, if you were happen, if you happened inadvertently to come across any report about the case or any comment on the case, just to, not even to look at it, but please if that were to happen, I say my advice is don't go near, anywhere near anything, but if that were to happen, as I said to you at the start, ignore it. You are in the best position to consider this case because you have sat in court and listened to all of it.

B Thank you very much for your attention today. Thank you for coming in. Make the most of the fact that you've now got a, a longer break before you come back to this case on Tuesday morning.

C If you need to tidy anything up before you do, that's fine, otherwise I will see you I hope at 10 o'clock on Tuesday morning.

(adjournment)

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Tuesday 26 May 2026

E **His Honour Judge Mousley:** So I am going to make a start this afternoon but I won't finish but I, I will find a convenient spot to, to end at, and so this is my as I promised *to you earlier*, this is my summary of what seems to be the important evidence in the case that you have heard and listened to, and you are, you have the benefit in this case, of course, of, of being able to have a lot of, access to a lot of material in your discussions over and above what you've got in your paperwork, so you're going to be provided with a laptop, a clean laptop, which will enable you to go through the presentation that you might remember that the Officer in the Case took you through and the various things that were put up on the screen, and there's some, there's some small writing on those pages which you may not have been able to see when you were, when we were putting it up on the screen but you will have all that in front of you, and also you're going to be provided with some, some hard copies of that as well. Not for all of you but I think there's going to be three or four copies of, of that available to you as well.

H As I think you're aware, that will all, that presentation will also enable you to watch the video, the video footage that you have watched and anything that's not on the presentation you will also have, that has been captured for you on a little card which will be provided to you and that again will go and get, will go into a screen and you'll be able to watch that as well, but I think, still think it's important that I take you through part, part of that as well as other things that you

A have seen and heard which you don't necessarily have immediate access to. I will try not to refer you to too many documents as I do this but I will need you just to turn up documents from time to time, but I'll, what I will do is I'll tell you where you can find certain things as well as I go along and I'll give you, I'll try and give you some references as well so you can cross refer things. So hopefully that will be helpful to you.

B So I'm going to begin this afternoon, the first heading is, is, is background, and I'm going to begin with this. Henry Nowak was born in February 2007. He had no previous convictions recorded against him. Vickrum Digwa was born in March of 2003, and he has no convictions recorded against him, and Kiran Kaur was born in April 1973, and she has no convictions recorded against her.

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D A little bit more about background. Firstly, a little bit more about Henry Nowak from evidence that was read to you, and you don't have copies of this. [Witness 17], I, and I apologise if I have mispronounced his name, his statement was read to you and so far as background is concerned, I'll come back to his statement later but in another context, but he, but his, his statement of evidence said this:

E "Henry and I met in secondary school and became friends. We were close friends. Amongst our friends, Henry had the nickname One Strongbow Henry because he was a bit of a lightweight when it came to alcohol. He would get drunk quite easily and then play up to being very drunk but he never normally was. He would pretend he couldn't walk up the stairs after one drink, for example, but it was like he was playing up to it for his own entertainment, and he'd get bored and then stop acting like that, but I've never known him to be aggressive, just annoying. He was not a heavy drinker. He might have a couple of pints and that would be about it. I have seen him genuinely drunk but that wasn't the norm for him.

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H We wanted to go to university together and we ended up both choosing Southampton Uni. We ended up living together at privately owned university accommodation in [REDACTED] in Portswood."

And then [Witness 18] in his statement:

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“I’m a first year student at Southampton University. This statement is dated 5 December 2025. I have known Henry and [Witness 17] since year 7 at school.”

He then spoke or he said:

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“We all needed to go through clearing to get into university. We each applied separately and were accepted within 24 hours of each other. We obtained rooms at [REDACTED] in Southampton and shared a flat.”

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Next, I don’t think you need look at them now but can I remind you of course that you have some photographs of, I’m turning now to Vickrum Digwa and a bit of background there, some photographs of Vickrum Digwa in your paperwork. I think you’ve got them now behind tabs 19 and 20 and you’ll probably recall the images that I’m referring to, all showing him wearing a kirpan, the knife, or a knife, a kirpan on a harness or belt in various different circumstances, and I’m, so far as his evidence about that was concerned, I’ll, I’ll deal with most of his evidence towards the end, but can I just remind you of what he had to say about that?

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He said, he said they’re:

E

“We are Nihang Sikhs. There are differences between us and some other Sikhs. The turban is one difference. My hair is uncut. In the morning I would comb it with a wooden comb, that’s one of the five Ks, [I’ll come back to that in a moment,] then tie it with another piece of cloth, a bunga. I would tie it into the hair to make a bun. [He would then,] I would then tie a smaller turban, a keski [and again, I apologise if I, if I mispronounce any of these names]. The final layer is the dumalla which is the longest cloth to tie a turban, and it can be up to eight metres long.”

F

G

He said this:

H

“We would wear two kirpans. The first would be kept under the clothing to be worn 24/7. That’s called a dori [and that is what exhibit one is you will recall what exhibit 1 is]. The second is a bigger one worn on top of the clothing [and exhibit 2 is an example of that]. [Nihang,] Nihang Sikhs can wear more than two. The larger knife can be called [a shastra, or] shastar.”

A And then he explained some of those photographs to you. The one behind tab 19 he said was from his workplace after he had joined and been there a few months, they took a photograph I think of all the new joiners, he said, and then the photographs that you have behind tab 20 he spoke, he described the circumstances of those images, a wedding, a, a restaurant, in Zara, I think one in Reading, one in Southampton, at work, at a train station, on a train, on a lunch break at work, at a, at ten, at a ten pin bowling location which some of you may know in Millbrook, and then there were photographs of him in, in a martial arts group in 2024, and then a, the displays of weapons that you have in the last two images behind tab 20, and he was to say that those on the page, he said some of the weapons on page, the penultimate photograph had been:

“in the bedroom I share with Gurpreet”

D and then he said that the last image you have in that clip of photographs were all taken from his and Gurpreet’s bedroom. He said that there, he had made searches for items on his phone. He said in January of 2026 that was due to be Gurpreet’s wedding and he, Vickrum Digwa, was looking for a nice antique to buy him.

E (pause)

His Honour Judge Mousley: And then perhaps in terms of other background, *about* background and related to that, can I now remind you of some of the evidence that you heard from, from Professor Gurnam Singh on this, on the topic of traditions and weapons within the, the Sikh faith?

(pause)

G **His Honour Judge Mousley:** So he is a *Profesher* of, Professor of Sociology and his specialism, he says:

H “Is ethnicity and I’ve written extensively on the Sikh religion [and, and I,] and I am religious advisor on Sikhism at the University where I work.”

A And he spoke about the five Ks which for anyone who is initiated into the Sikh religion, they are, they must wear them or carry them, and it's compulsory, he said, for any baptised Sikh to have these as far as possible at all times, and he then went, he then went through them. A small wooden comb, a, a type of undergarment, uncut hair, a steel bracelet worn around the wrist, and the last, he said, is the kirpan. He said, he described that in this way when he was first answering questions:

B
C "It's a small sheathed weapon which is worn. It's, symbolises a defensive weapon. It should only be unsheathed for protection. It is not to be used as an offensive weapon. Kirpan means merciful and honour. It is a purely defensive weapon. It is clear, but it clearly has the potential to do harm and it should not be unsheathed unless it is a matter of last resort and the same [he says] applies to, applies to all Sikh weaponry."

D He was then shown the, the two exhibits and he said that exhibit one, he said that's a small kirpan. He said there's a Sikh code of conduct which is overseen by the Sikh authorities and he said the, the, the code doesn't actually stipulate the length of the blade of such an item, but custom and practice is it should be between three inches, the blade should be between three
E inches and nine inches, and he said the blade on exhibit 1, he said, is over three inches, and he said many Sikhs would regard seeing that, to see that as satisfying the five Ks, and you'll remember exhibit 1 was the, on the cord found around Vickram Digwa's neck.

Exhibit 2, he said:

F
G "Some baptised Sikhs would see this as one of the five Ks by its length and shape. It doesn't exceed the requirements, but if it is worn in, in addition to the other kirpan, the question is whether this is the, whether this is the kirpan or the smaller one. [He said,] the requirement is one, not two, and there is no necessity or requirement to carry two."

H He said it was, he was asked about that image that you have of Vickram Digwa immediately before the incident, that little short clip of video which I'm, imagine now is only too clear in your minds, and where the, the, where the knife is, is visible, and he said:

A

“It’s not unusual to see a kirpan being worn on the outside, but unusual to be on the outside of a coat. Normally it would be over a shirt or a hoodie. [He said,] Sikhs are advised in public to wear them discretely unless there is a need to display them at a festival or public display.”

B

He said that the Sikh turban has a spiritual and practical purpose, and to have it removed forcefully would be seen as a great act of sacrilege. As to how easy it would be to dislodge a turban, he said that will depend on how it is tied. It could be, he said, by just a single push.

C

He was asked more questions, first of all by Mr Wainwright, and he said a bit more about hair in the first place. He said:

D

“Hair will often be tied up in a bun. Most Sikhs will do that. [And he then described something, he said,] the bunga is a small cloth which is used as part of the tying to allow for more, so more layers of the turban can be built up. [He said,] the bunga becomes the base.

E

[He then said,] the keski is the small turban which can go over the bunga and then you have the dumalla, so there are two layers to build the turban [and he, he said] that’s, for a Nihang Sikh [there may, there may be even, even,] there may be more than two layers [and he said that] the Nihangs are part of the mainstream of Sikhs but they have their own nuances and traditions, including the turban, and they would see that as a requirement of their order.”

F

Going back to kirpans, he said:

G

“Sikhs can carry and wear a kirpan but the intention they have is crucial. If it is carried to cause harm, that is an entirely different matter. Someone might justify carrying more than one, for example if they were going into battle. [There, said,] there’s no compulsion to carry [more,] more than one. Some of the Nihang see it as a celebration and it being a noble thing to carry more than one weapon.

H

The Nihangs will recite that without weapons the Guru will not give you his presence, but the Guru is pleased if you adorn yourself with weapons. Over

A

the last 30 years [he said,] there has been a trend towards younger people wearing the kirpan with pride, and [it's, and, it,] it signifies a desire to express their cultural identity. It is seen as an act of resistance to being denied being able to display their identity.”

B

And then I think some question that Mr Watson asked Professor Gurnam Singh. He said:

C

“A kirpan is not an offensive weapon, it's about honour, mercy, and protection. It is defensive. Sikhs who surround themselves with weapons may have an emotional attachment to them and a [deep, and a] deep interest in the history of them and [their, and] the art, and they can be antiques.”

(pause)

D

His Honour Judge Mousley: The Prosecution asked the Professor a couple more, a couple more questions and the Professor said:

E

“For those [who,] who are wearing kirpans, they would rarely see the need to unsheathe them [and then in answer to a question I asked him, he said,] there's a clear distinction between displaying such an item and unsheathing it.”

F

So that is a, as a general background, members of the jury, and I'm now going to turn, my next heading is the, the hours leading up to the incident, and could I ask you to just turn up your storyboard for now?

(pause)

G

His Honour Judge Mousley: And we'll start at page 2.

(pause)

H

His Honour Judge Mousley: And I'm, think you're now, I hope now reasonably clear as to how this works and how the sequence works on these pages, how they are numbered and each, each box of the number is in sequential order, and you have a little summary in the grey box at the top and then a bit more detail in the, the other boxes, so let's just go through a few pages of

A this, not in tremendous detail, but you can see from this, if we just look at the numbers, that Henry Nowak is in The Hobbit in image one shortly after 10.30pm at night. You can see box two that his phone is located in that area, and then there's the, box three is the message telling one of his friends that he's in The Hobbit.

B Page 4, again, phone location. There's clearly GPS on this phone so it can, it can give you a location of where it is at any particular time, and then five, box five shows him leaving The Hobbit and just, just pausing there a moment, we'll come to evidence about what he'd been, what Henry had been doing before this, and obviously what he'd been doing after it, but you, you might just want to make the, the, the observation that he's probably only been in the, in C The Hobbit for something like two to three minutes, something like that.

(pause)

D **His Honour Judge Mousley:** And then, you will then see the final box on that page, box six, the phone is now locating at Jesters Nightclub a little bit further along Thomas Lewis Way. So that's page 2, and, and just, and again, you may have worked this out already but perhaps before we leave page two, so that is about 40 minutes, 45 minutes before the events in Belmont Road. Let's go to page 3.

E (pause)

F **His Honour Judge Mousley:** And this is obviously a, a different aspect of the case because this is a, a, a page that deals with Vickrum Digwa's movements before with the red car arriving, box one, you know that that's north of St Denys Road on Belmont Road, and then box two, you see Vickrum Digwa and his brother walking in, along north on that bit of Belmont Road from the St Denys Road junction and getting into the red car. Nothing really much more to be said G about that page. Let's go to page 4.

(pause)

H **His Honour Judge Mousley:** This is now 11 o'clock to 11.05pm, so we're now between 15 and 20 minutes before the incident in Belmont Road, and this is a page that shows contact he's having with [Witness 17], and I'll, again, I'll remind you of that again from his statement in a moment, but that, but you may have written *already*, that's the person he's in communication

A with on this page, so where it's in, where, where it's marked in light grey, that's Mr [Witness 17] and Henry obviously, where it's in orange it speaks for itself, and looking at box two and indeed box four, they are all in the, the phone is locating in Jesters Nightclub. Let's go over to page 6, page 5 rather, and this just follows on from there.

(pause)

B **His Honour Judge Mousley:** And this is showing Henry making his way back in the direction of, of his accommodation where he was living at the time, and it's interspersed with him walking again back past The Hobbit seemingly breaking into a jog at one point and then various messages and audio messages with [Witness 17], and again I'll come back to those in a moment, and then you can see that route as his phone is plotted moving its way up through, finishing at box ten on page 5. Page 6.

(pause)

D **His Honour Judge Mousley:** And again, the overall trend here is Henry's phone moving north, continuing to move north, and then at some point at, if you look at boxes, between boxes six and seven, he, he heads off and then heads into Belmont Road. So you have that there and there's some footage there which shows him walking past the Al-Hayat Centre and again some references to ongoing messages with [Witness 17], and it includes a, a five second video, box five, which is Henry making a video on his handset. Again, this would be now just pretty much heading in to, to Belmont Road. Page 7.

(pause)

F **His Honour Judge Mousley:** And you can see from the plotting of the phone locations, boxes two, three, five, and seven, the direction that the phone is moving up Belmont Road and this is also when, if we go back, at the left hand side of the page, this is when those two short videos, the ones that come immediately before the video of the start of the, or the, that, that part of the confrontation with Vickrum Digwa, so those two short bits, bits of video which are described there on pages 1 and 4, and, let me just cross refer that to something if I can, make sure I've got this right.

(pause)

A **His Honour Judge Mousley:** Yes, the three videos, these two and the one that comes afterwards, are all captured in the same transcript. You may have made a note but if you want to cross refer it, it's all behind tab 5.

(pause)

B **His Honour Judge Mousley:** And you'll see the, you can work it out when you look at the, the transcript on page 5, you can see where the difference is, one video, another video, and then the final video obviously which we're going to come to later.

C The other thing as well to remind you of is that this is also where you have the, the dash cam footage. Do you remember the little bit of a video from a vehicle, a vehicle which shows Henry Nowak walking, as it were, kind of towards but slightly to one side of a dash cam which, which
D we heard in evidence was parked, I think, outside number [REDACTED] Belmont Road? So that also comes within this frame and we're going to see that again in a moment. *If I can* find my reference, I've got so many, quite a few files open at the moment. So we'll just finish page, and we'll just *go*, look at page 8, just to finish this.

E (pause)

F **His Honour Judge Mousley:** And this is the page that deals with the movement of Vickrum Digwa from the red car heading south down towards the junction with St Denys Road and then of course we know he crossed over that and headed, continued to head south along Belmont Road. So that's, as it were, leading up to the incident. I'm going to ask now please, if it's possible, for two pages from the presentation to be put up on the screen.

G (pause)

H **His Honour Judge Mousley:** The other one's working as well now. As I say, you're going to have some hard copies of these as well, but it's helpful to you. So this is, this is, as it were, gives you a, that dash cam footage. You, you may not, you, some of, you may or may not be able to read what's, the wording on there, so it says:

A

“Henry Nowak is seen on dash cam walking north past ■■■ Belmont Road. We know it’s Number ■■■ due to the correlation between details seen in both the footage and on Google Street View.”

B

And then *if we can* go over the page to page 15, so you’ll have this on your, in the presentation you’ll have. So this is the page that deals with the three short video clips which I’ve told, which are on the storyboard. The two when Henry’s walking north along Belmont Road, and the last one is when that exchange takes place on that third video that, that you probably that feel that you, that you know pretty well now, and that’s what the wording said on the page, you’ll be able to see it, but that’s, that’s effectively what it says.

C

So let me now read some, remind you of some evidence that you heard from statements read to you about this, and again, I’m going to begin with [Witness 4].

D

(pause)

His Honour Judge Mousley: And this is some extracts from that statement.

E

(pause)

His Honour Judge Mousley: His statement was dated 14 December 2025. He says:

F

“On Wednesday 3 December, the weekly football team social was being held at my house. At about 20.00 hours, 8pm, the social started. Henry was relatively late, arriving at about 20.30. I remember seeing Henry drinking whilst at my house. I saw him with a can of Strongbow Dark Fruit. I had about 15 minutes of conversation with him. Henry seemed sober to me.”

G

He then spoke about some of the group going off and at about 9.15pm and he said:

H

“Henry went with them. [But he said,] at 21.40, [so 9.40pm,] the boys [all returned, the boys] returned to my house and I didn’t notice any change in Henry. At about 22.45, [10.45pm, bearing in mind that the timings that you have on the CCTV may be a little more reliable on this, he said,] I asked

Henry to make his way to Circuit, [which I think is a club,] but he replied that he didn't have a ticket and would go and see other friends."

A

And then he just described what Henry was wearing that night which you have seen for yourselves on various footage.

B

Next, [Witness 19]. Her statement was dated 9 January of this year and there again, these are some extracts from that statement:

C

"I met Henry Nowak through my boyfriend. They both [play, play,] play football for the University of Southampton. I met him a few times. I'm part of the swimming team, and it's usual for all the sports teams to go out on a social on a Wednesday evening. 3 December was one of those socials.

D

I was at Jesters Club in Portswood. It must have been around 10.30pm to 10.45pm when I saw Henry Nowak come into the bar. He appeared to be by himself. Henry Nowak approached me and said hello. We hugged and I asked him why he wasn't with his friends. He told me he was with them but now decided that he was going to meet his other friends.

E

The interaction wasn't very long and only lasted a couple of minutes at the absolute most. Henry Nowak went off and spoke to some of what I believe were his friends. I never saw him again.

F

When I was with him, he did not come across as being drunk to me. He might have had a drink or two, but he wasn't out of control or falling about. He was just himself, polite and friendly."

G

Back to [Witness 17] and what he said in his statement on, happened on 3 December. Again these are my, some extracts which I've taken from that statement:

H

"On Wednesday 3 December, there was a football social which Henry went to but I chose not to. These nights can be quite boozy but there was never any pressure to get involved in the drinking games. Whenever I went with Henry, we would just stay for the pre drinks and then leave, as the club they would

go to on a Wednesday we didn't really like. The usual plan for these nights out was to go to a local student house for pre drinks.

A

On that evening at 11pm, Henry called me [and this is obviously where we feed back into some of those entries you've got in the storyboard]. Henry called me on Snapchat and then messaged me asking me to pick him up. I said no because I was in the middle of cooking my meal. Henry sounded tipsy but not drunk, and there was nothing that gave me concern. Henry sent me messages on Snapchat and they read fine and made sense, making me think he wasn't more than tipsy. His voice notes and messages did not concern me. This was normal behaviour from Henry on a night out. He also sent me a couple of videos.

B

C

At 23.07, Henry sent me three voice recordings. The first one was just gibberish, typical 'One Strongbow Henry', but the second one was Henry saying, 'I don't have tickets to that' and he sounded fine to which I replied, 'you can get tickets'. The third was Henry saying, 'fancy getting Dominos?' to which I replied 'no' by text. Henry then sent me another voice recording saying, 'why not? I thought you wanted to get food. I thought you wanted Dominos' and again he sounded fine. He was clearly trying to wind me up and having a laugh.

D

E

I replied at 23.08, 'I'm about to eat' to which Henry replied by voice recording, 'eat what?' I replied by text, 'food.' Henry sent a voice note saying, 'what food are you cooking?' and I text back, 'fish, potatoes, and eggs.' Henry sent another voice recording saying, 'fish, potato, and eggs? There's no way, brother said fish, potato, and eggs. [On,] oh my days, I might have to walk on the main road.'

F

G

At 23.16, Henry sent me a video of him walking. I replied by text a minute later saying, 'just get a bolt on at that point' meaning get an Uber. Henry then sent me two videos of him walking at 23.17. I didn't recognise the road. I replied by text at 23.18 *as* 'tough watch, mate, autism's coming out' which was a running joke between us. I used to say he had autism because some of the things he would do."

H

A (pause)

His Honour Judge Mousley: And then lastly [Witness 18].

B (pause)

His Honour Judge Mousley: He said:

C “On 3 December I did not see Henry during the day. I had been at home in Essex and returned to Southampton about 4.30pm to 5pm. I was out with [the,] the maths soc team on a pub crawl. We ended up in Jesters on Beavers Valley Road.

D At 11pm I saw Henry. He walked into Jesters and sat beside me to my left. He spoke to someone next to him. I got up, went to the toilet, and returned. He came over to me, shook my hand, and left. I do not recall any speech. We had recently had a big argument which led to us taking a little timeout from each other. That was the last time I saw him.

E Having known Henry for seven years and seen him when he’s drunk alcohol on a number of occasions, I know that he cannot manage more than about two pints before he gets unsteady on his feet. When I saw him on Wednesday, he was entirely stable on his feet and his eyes did not look to be affected by alcohol.”

F (pause)

G **His Honour Judge Mousley:** And that, members of the jury, is that part of the evidence, and I think what I’m going to do now is I’m going to stop now for the day and we’ll carry on tomorrow morning when I will deal with the incident itself and then what happened afterwards. So can I, you, once you’ve tidied everything up, you’re free to leave. Could I ask you please, I hope to be ready for you to, for, for you to be ready please by 10 o’clock tomorrow morning.

H

(overnight adjournment)

A

His Honour Judge Mousley: Good morning, slight delay, again no fault of either Vickrum Digwa or Kiran Kaur. Right, can you turn to page 9 of the storyboard, please?

B

(pause)

C

His Honour Judge Mousley: So this, I'm now, this, this section I'm going to deal with now deals with the incident, if I can summarise it in that way, shorten it in that way, and you're probably quite familiar, familiar with this page but it follows the usual sequence. You can see the locations of Henry Nowak's phone and then obviously in box two the video which was found on Henry Nowak's phone of Vickrum Digwa, and you've got some of that, the wording of what was exchange between them in that box on page 2. If you want to cross refer it's, it's tab, the transcript's at tab 5.

D

(pause)

E

His Honour Judge Mousley: And it's the, it's the last six entries on page, on page, it's only one page anyway, that transcript, on, in tab 5. Reads:

F

“View shows male identified as Vickrum Digwa walking away from Nowak. Henry Nowak says ‘[something inaudible] innit, bad man, what bad man, you’re a bad man, say you’re a bad man, go on.’ Digwa turns round and approaches Henry Nowak. A knife can be seen on the front of Digwa. Digwa says, ‘I am a bad man.’ Henry Nowak says, ‘are you a’ and B and then the recording ends.”

G

I'm just going to, we're just going to look at that clip again. I think because the way it's been done we'll, we'll also see the two short clips before that of, of Henry Nowak walking up the road still and then it will go straight into that third, that third clip.

H

(pause)

(beginning of recording playback)

- A** **Mr Nowak:** (humming)
- (background noise)
- B** **Mr Nowak:** There you are, bro. Hello, car. *All right*, we've got to walk here, do you know what I mean? Oh.
- (background noise)
- C** **Mr Nowak:** *Right*, innit 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.
- D** **Mr Nowak:** Are you a *bad* --
- (end of recording playback)
- E** (pause)
- F** **His Honour Judge Mousley:** Can we get exhibit 2 out, please? Exhibit 2, please. Members of the jury, obviously the, the knife seen on that footage is exhibit 2 in our case, and I'm just going to ask the Usher just to walk it down in front of you all again so that you can see it.
- (pause)
- G** **His Honour Judge Mousley:** If you need to see that again when you're having your discussions, just make a request and it'll be brought to you, all right?
- (pause)
- H** **His Honour Judge Mousley:** And now the next thing which relates, next piece of evidence which really relates to the incident itself is the pathology evidence and the evidence that you heard from Dr Jeffrey. So could I ask you in your jury file just to turn up tab 3?

(pause)

A

His Honour Judge Mousley: And this is my summary of what Dr Jeffrey told you. She said that she prepared a report on the death of Henry Nowak having carried out a post mortem examination. She said that she, that there were areas of damage to his boxers which correlated to the wounds to the back of the legs and to the front of the groin, and then if we look at page 2 which is the representation of the fatal injury, this was the, she, she described this that this was the principle wound leading to death. It has, it is a stab wound, horizontally orientated, 2.4cm in length. She described it as a sharp stab wound and it went upwards into the body.

B

C

Page 3, and obviously you know from that first image that the depth of that wound was about 8cm. Page 3, she said:

D

“The wound track is where the knife went. The wound passes through the skin and underlying area and then passes below and between two ribs, passing through muscle still in an upwards trajectory, and there’s a wound to an, the intercostal muscle which was 3cm in length. The wound track passes up behind the second rib.

E

There is there the lining of [she said, the lining of] the chest wall is firm and gives a good indication of the size of the, of the injury. At that point it measured 2.2cm. It produced a cut in the upper lobe of the left lung, nicking the edge of the lung. In that area [she said, was, was a,] was a main vascular area including part of the venous system going into the heart. The subclavian vein [and you see that referred to on that image] curves off that and it sits behind the collarbone. [She said,] there was a defect in that [as she described it] causing an opening that allowed blood to leak into the left chest cavity. [She described it as] a really significant bleed.”

F

G

Page 4.

H

(pause)

His Honour Judge Mousley: SW3, and you can see that mark there, was a stab wound to the back of the right upper thigh with a slightly diagonal orientation. You've got the measurements of it on the image anyway, but she said it then went upwards into the body from the back of the body towards the front of the body and towards the inner aspect of the thigh.

SW4, again which you have and you have the dimensions of it marked there. Slightly diagonal, into the buttock, very slightly upwards and towards the buttock crease, and she said it was that one which there was associated damage to the boxer shorts.

Page 5, please.

(pause)

His Honour Judge Mousley: She said that was a small puncture wound likely to be caused by a knife tip. It was really tiny, about 1mm, and there was associated damage to the underwear. I'm not going to take you through the other injuries at this stage other than the, I'll come to the, the injury to the face a little bit later. In fact, I'll come to it right now. Page 7 or 8, I think it is. Seven. Or Eight.

(pause)

His Honour Judge Mousley: She described that injury, SW1, as:

“a small incised or cut wound to the right jawline, caused by a very sharp object. It's a very neat cut.”

I don't need to refer you immediately *more* to the images again now, but can I also tell you this? She took blood samples and it was reported to her that there was a blood alcohol concentration of 64 and she said that would not be expected to cause notable intoxication. The legal driving limit is 80, and you've got an agreed fact about that as well.

“The principle injury was the stab wound to the front upper chest, from front towards the back, upwards and slightly towards the midline, through soft tissue and into the lung between the ribs, causing damage to the vein, which produced a very large collection of blood in the chest. It has also [caused a,]

A

caused a pneumothorax [I think we all probably know that's a collapsed lung] which would have made it more difficult to breath. He died as a result of that injury. He bled out internally.

B

The two stab wounds to the back of the body would have contributed to blood loss. The incised wound to the face is consistent with contact with a knife. Henry Nowak had tried to scale a fence, but I'm not aware of anything sharp there which could have caused it. [And she said,] it looks like a sharp cut.

C

The tiny puncture mark to the pubic region had a corresponding defect to the boxers and is likely to represent knife tip contact."

Other injuries that she observed and which you've got in your imagery:

D

"Marks to Henry Nowak's wrist and hand [*are,*] would be consistent with the application of handcuffs."

And then she went on to say this:

E

"He suffered a cardiac arrest after a relatively short period of contact with the police. Earlier intervention would not [*affected,*] have affected the outcome. The position of the injury could not have been treated with an opening of the chest. That would not have given access to the injury, [*and she said*] it was a catastrophic injury.

F

[*She said,*] skin tears to the back of Henry Nowak's left hand were not caused by punching but by contact with a rough surface. It could have been caused in a scuffle or when he scaled [*a,*] the fence, or came to the ground. He was also moved quite quickly by the police in order to give CPR which could also have caused them.

G

H

Tiny injuries to the left palm you might see from contact with a rough surface. They were not typical defence injuries. [*And she explained what she meant by that,*] if you face a person with a knife, you may reach out with your hand

to push away, to grab the knife, or to shield yourself. These palm [mats,] marks more like contact with a rough surface.

A

The blood alcohol level was modest so he would not significantly have been under the influence of alcohol at the time of the incident.

B

[A little bit later on she said,] the stab wounds suggest that the knife would have had a blade of at least 8cm in length, and not wider than 2.4cm. [She said,] I can't be certain about the amount of force used to produce that injury, but you can consider a range from mild to moderate to severe. This just passed through soft tissue so it is possible it could have been inflicted with relatively mild force, but that is a minimum."

C

Mr Wainwright asked the Doctor some questions. She said:

D

"In a normal social drinker, the blood alcohol level found would not be expected to cause intoxication. The effect of it would depend on someone's tolerance of alcohol."

E

And she explained how a regular alcohol drinker builds up a tolerance. She said, she said that the reference to the driving limit is a useful reference and she said:

F

"We can be confident he was not significantly affected by alcohol in terms of driving capability. For someone not used to drinking, the effect could be different."

(pause)

G

His Honour Judge Mousley: I'm now just going to ask you to look at one of, a few pages from the presentation, and we'll start please with page 16, if we may.

(pause)

H

His Honour Judge Mousley: And that's a --

Mr Lobbenberg: Your Honour --

A

His Honour Judge Mousley: A representation --

Mr Lobbenberg: The jury are turning up the storyboard.

B

His Honour Judge Mousley: All right, sorry. You, you don't have this. Page 16 in the presentation, the one you're going to get. My, my mistake. I was, I was mentioning that to someone else to put it up on the screen for you. So if you just look at the screen for now. As I say, you're going to have this but you can, you can see, and this gives a representation of the approximate positions of Henry Nowak and Vickrum Digwa, and the positions of Number [REDACTED] the bin store, and then Number [REDACTED] to the right of the that where the car is positioned that you know Henry Nowak climbed onto and then, and then fell off or moved off, and then you know that he was then moved at some point up to *the*, the wall underneath the window.

C

D

Page 18, please.

(pause)

E

His Honour Judge Mousley: And again, that really just shows the, the representation which deals with that short piece of video footage that you saw of Henry climbing up and over, and you'll be able to access that video recording, I'm not going to show it to you again now, and now if we can move quite a long way through please to page 43.

F

(pause)

G

His Honour Judge Mousley: This is the representation you saw of some clothing and this is obviously to show the damage caused to the shirt that Henry was wearing over the skin on that night, and if we go to page 45, please, and then the hoodie or jumper. It's not a hoodie, the jumper he was wearing also, and you can see there a circled injury, mark which is intended to correspond with the position of the wound to the chest and the, the shirt, but you'll also see a number of other areas of damage, defects. Forget the great big long tear, we heard about that that was something that would have been done when emergency first aid was being given to him, and if we turn please to page 45. Sorry, that is 45, 49 I think is one, the next one I need.

H

(pause)

A

His Honour Judge Mousley: And there's lot of wording on here but really just for, for, and you'll be able to read through this but, but the important part of this is just to, it provides quite a good pictorial representation of how you would get all those separate defects to the top from just a single use of the knife with the, as it were, the overlapping and folding over of the top and the knife, as it were, penetrating through all those, through the shirt, through the skin, and then 8cm beyond that in the, on the wound track.

B

Yes, thank you very much, we can take that down now. We'll come back to into in a, there are two other things a little bit later, shortly.

C

(pause)

D

His Honour Judge Mousley: I'm now going to deal with the evidence which relates to the period after the time when Henry Nowak received those injuries, including, that will include the arrival of Vickrum Digwa's father and Kiran Kaur, the knife being handed over, and leading up to the 999 call. So can we start, go back please to the storyboard now, and start at page 11.

E

(pause)

F

His Honour Judge Mousley: And again, usual thing, the grey box summarising it all and then the various sequential box on the, the page. One or two observations to make about that. If we deal with boxes one, two, one and two, you can see the location there of Henry Nowak's mobile phone, and the, the, the latter one there, 23.22.40, that phone is, as it were, locating still as it were slightly to the north of Number [REDACTED] and Number [REDACTED] and then box three, that shows that at 23.22.41 that's just a cell site reference, you'll remember that the, that particular phone of Gurpreet Digwa's, it wasn't, you, you couldn't get precise location from it so it, it shows that that was the cell, the cell mast that it was directed to but it gives you an idea there of, of timing, and you know from the, one of the earlier images, Gurpreet Digwa having headed himself down from, down the northern part of Belmont Road, across St Denys Road, and then down to where his brother and Henry Nowak were, and just whilst we're looking at that one, you will also remember that we have an image at tab 5 in your bundle, *sorry*, I think it's tab 4 in fact. A sketch on tab 4.

G

H

(pause)

A

His Honour Judge Mousley: Which shows a number of markers where blood, apparent blood was found, beginning, as you can see, numbers 1 and 2 and they've been, they've been numbered and that would appear to fit in, they may not be absolutely precise but it's a, issue of a, as it were, something of a sequence of events certainly to show some movement which I don't think is really in dispute as to the, the blood. The first blood spots are on the, the driveway at Number ■ before the bin store.

B

C

Anyway, page, so back our, on our storyboard there's also in box four a Gurpreet Digwa which lasted five minutes. It, and you can see it began at 23.22.42. So using, doing the maths, it would have ended, if you want to write this down, that would have ended at 23.27.44.

(pause)

D

His Honour Judge Mousley: And so that overlaps with the 999 call which we'll come to a little bit, little bit later. Let's work our way through the storyboard, I think we'll do, we'll work, we'll work our way through this and then we'll come back and look at some other parts *of it again*. So page 12.

E

(pause)

F

His Honour Judge Mousley: Two things to point out here. One is, is box two. The second, seven second video on Vickrum Digwa's phone showing Henry Nowak climbing, and then box three, a person in a white top leaving ■ St Denys Road and run towards Belmont Road, eight seconds later a second person leaves St Denys Road and heads in the direction of Belmont Road, and we've heard some evidence about Vickrum Digwa's father having a, a white top on. So, so that's 20.23.11 [sic] and then the second person 20.23.18 [sic] and it is, it would seem to be the position that what that means is that Kiran Kaur would have been on the scene in Belmont Road when the 999 call was made, allowing her some time to move from that image down into Belmont Road. Page 13.

G

H

(pause)

A

His Honour Judge Mousley: I think this is actually pulled up from the, from the page before, or one of the early pages, but Gurpreet Digwa gets a call from Moga Singh, and you'll remember that before that he had called Moga Singh. The mobile phone number call, and then at 20.23.51 [sic], the, Gurpreet Digwa's mobile number called 999. So that would appear to be within a few seconds of receiving that call from his, from his father.

B

(pause)

C

His Honour Judge Mousley: And again it's approximate but it would seem to be about a minute or so after Gurpreet Digwa would have arrived on the scene. *At* box three, that is the 999 call which began at 23.23.51 and it ended at 23.35.40 if you haven't already got, you may have made a note of that already. It was 11 minutes at 49 seconds. I'm going to come back to transcripts in a moment.

D

(pause)

His Honour Judge Mousley: *At* page 14 ...

E

(pause)

F

His Honour Judge Mousley: Really just need to attract your, direct your attention here to box four, which is the video, the five minute video that Gurpreet Digwa was, had, had started making, although not, not him making it all the time, and then there's, and there are the references there to Vickrum, all in Punjabi:

"Mum, [something inaudible, sounds like] come, come. Take it away."

G

And then again:

"Ma, [something inaudible] shastar [something inaudible, and after that something inaudible.] Take this."

H

(pause)

A

His Honour Judge Mousley: And this would again appear to be during the 999 call that was being, that was being made to the police as well as being during Gurpreet Digwa's five minute video. Page 15.

(pause)

B

His Honour Judge Mousley: I don't think I really need to attract, attract much, to say much about that, so shall we go to page 16?

(pause)

C

His Honour Judge Mousley: Box two is another video recording. I'm going to give you a cross reference from that, that's tab 7 is the transcript for that, and I should have given you a, a reference for the one on page 14 as well, because that's tab 6.

D

(pause)

His Honour Judge Mousley: And then if we go to page 17 ...

E

(pause)

F

His Honour Judge Mousley: The summary in the grey box, between 23.34 and 23.35, CCTV shows a person approach the front door from [REDACTED] of St, [REDACTED] St Denys Road from the Belmont Road direction. They meet with a second person who opens the front door after a few seconds. The first person leaves and walks back in the direction of Belmont Road, and that would appear to be again in rough terms only that footage, that would appear to be about nine minutes or so after the, the earlier transcript picks up Vickrum Digwa asking his mother to take something away, so it appears to be about nine minutes when ...

G

(pause)

H

His Honour Judge Mousley: And it's, it, something less than that would obviously be after Kiran Kaur had walked away from Belmont Road, and then as we know from the evidence Kiran Kaur then appears to return to Belmont Road having gone into the house, and again it's,

it, it would, it would appear that she would have been back in Belmont Road before the police arrived.

A

(pause)

His Honour Judge Mousley: So that *those* storyboards at that point. In fact we'll, we'll go on and we'll, we'll, we'll, we'll do page 18 as well.

B

(pause)

His Honour Judge Mousley: This really deals with the time from when the police arrived and you can see that the police arrived at 23.37.04. So just to give you some comparisons, that would be a, a, seem to be approximately 18 minutes after the bad man video, if I can call it the bad man video. It would appear to be about 15 minutes after Gurpreet Digwa had arrived *and*, near Number [REDACTED]. It would appear to be 14 minutes after the 999 call began, and it would appear to be about 12 minutes after Vickrum Digwa had, on the face of it, asked Kiran Kaur to take the knife, and lastly it would appear to be about a minute and a half after the end of the 999 call that the police arrived at the scene.

C

D

E

Can I give you some references here because there were body worn videos, so tab 10 and tab 11 are police body worn videos.

(pause)

F

His Honour Judge Mousley: Can I also deal with this at this stage, which is not included in, in this but it, you, but one picks it up, it can be picked up from the transcripts. It looks as though, as you know, the police were responding to an allegation of a racially motivated attack and the police arrived at 23.37.04. It would seem that at about 23.40 is when Henry Nowak was arrested and indeed handcuffed, and an ambulance called, so all that's, happens at about that time, and it would seem again by about 23.44, so only four minutes after that, the police, the attending police realise that he had the chest wound, and in fact, sorry, I did miss one between those two dates [sic], it would seem to be at about 23.41 that the attending police officers started Henry Nowak to give CPR.

G

H

(pause)

A **His Honour Judge Mousley:** Box four is the video from Gurpreet Digwa, five minutes long, and as we'll see, as you'll, as you will see from the transcript, Kiran Kar, Kaur is back at the scene, appears to be *the*, a female heard on that recording and *heard* certainly back at the scene certainly by about 23.41, and you'll find that in the transcript at tab 8. Box five is the body worn video footage with Vickrum Digwa no longer wearing or carrying *any, the* exhibit 2.

B
(pause)

C **His Honour Judge Mousley:** And lastly just page 19.
(pause)

D **His Honour Judge Mousley:** This, this deals with the arrests and the only ones I really need to point out to you here is box one, Vickrum Digwa was arrested at 23.55, and again if you want a reference, we'll look at them in a moment, it's tab 11 again, and box four, Kiran Kaur was arrested past midnight, so into 4 December, at 01.24. At that stage, arrested on suspicion of murder.

E Right, so that's the storyboard done, so now can we have a look please at a few transcripts? I'm going to be able to, I think, summarise some of these for you, but some we will need to, we ought to look at directly, so ...

F (pause)

G **His Honour Judge Mousley:** The first one you will find behind tab 6 and *like I say* I'm not going to take you through it line by line but can I just draw out some parts from that? So this is a Gurpreet Digwa recording, and these are some things that were said which may be important depending on your view. Vickrum said in the course of that, on that recording:

"You're fucked now, bro. Come, come down, apologise, get down."

H And then a little bit after that:

"Talking about people in Essex are on it, bro."

A Then there's, and then a little bit later on:

“You fucked up. I told you, get down now.”

B There's then a time when Gurpreet, who would appear to be speaking to his father on the other phone, says:

“He's just attacked Vick, took his turban or, or dastar.”

C And Vickrum says:

“Started grabbing my [and then] you fucked up, bro.”

D Henry Nowak *there a little* after that says:

“I'm dying, I'm dying.”

E And Vickrum Digwa says:

“You're not dying, bro.”

F Henry then, Nowak, a little bit after that, says:

“I got stabbed.”

G And Vickrum Digwa says:

“No one stabbed you, bro. You're [and either] you're fucked up [or] you got fucked up.”

H Henry Nowak says:

“You stabbed me.”

Vickrum Digwa said:

A

“No, I didn’t. You’re drunk. I told you this, didn’t I? Bro, listen to me. Did I not say this to you? Did I not say this to you? You started recording me thinking you’re sick. What were you saying to me, bro? What were you saying to me? [And then he went on,] you’re drunk. You’re out of your head.”

B

And then Gurpreet can be heard to be saying:

“He’s verbally attacked my brother racially.”

C

So at this stage this is probably when he, when Gurpreet is using the other phone to call on the 999 call or he’s saying it to someone at the scene, and Henry Nowak says:

D

“No, I didn’t.”

And Vickrum Digwa said:

E

“Yes, you did. Why are you lying for? You started grabbing my hair like that. [And a little bit after that,] brother, listen, apologise. You know what you did wrong, didn’t you know? You know the situation, my bro.”

Henry Nowak after that appears to say:

F

“Can you turn off that?”

And Vickrum Digwa said:

G

“No, why you start recording me? [And a little after that,] don’t act, try and act like you’re [that’s Vickrum].”

H

The next transcript again is a Gurpreet Digwa phone recording, and this is largely a conversation between Gurpreet and Vickrum, and Gurpreet asked Vickrum in this, on this recording:

“What did he say when he attacked you?”

A And Vickrum said this:

B “Bro, he’s walking into me. I walked to the side. He’s drunk, he’s not been stabbed. I don’t know what he’s talking about. Then he’s barged into me. I’m like, ‘look, bro, what are you doing? You’re drunk, you could have [something inaudible] to the side.’ [He went on,] he’s pretending. A minute ago he was talking to you, Dad, you know he was. Now he’s trying to get up, trying to leave. He was climbing perfectly fine.

C [Vickrum goes on,] he goes to me, ‘who do you think you are?’ I said, ‘look, bro, you’re drunk. Carry on, walk on.’ And he goes, ‘who do you think I am? A bad man?’ I go, ‘no, I am a bad man.’

D He’s walked into me, stumbled, he’s drunk. I’ve clearly said to him, ‘look mate, you’re drunk, carry on about your day. Do what you need to do.’ [*Then* shortly after that,] then he goes to me ‘who do you think you are? You’re this, you’re that. Do you think you’re a bad man?’ I say, ‘yeah, I am a bad man, why?’ Then he starts recording me. I snatched his phone, he’s then laid a punch onto me, he’s pushed me back and my turban’s come off. He started grabbing my head so I then grabbed him and he started pushing me, attacking me even further, everything like that.”

F A little after that, Gurpreet says:

“Did he racially say anything to you?”

G And Vickrum says:

H “Yeah, he called me a Paki as well. [Little bit after that, Vickrum said,] he started grabbing my uncut hair. I was literally walking back to my car just to grab something out of my car.”

Yes, can we have some pages up from the presentation, please? Page 19.

(pause)

A

His Honour Judge Mousley: So that's the page in the presentation, this deals with people, two people leaving ■■■ St Denys Road and running towards Belmont Road followed by two more people. The last two people then return to the property, and then if we go please to page 22.

B

(pause)

His Honour Judge Mousley: This appears to show Kiran Kaur returning to ■■■ St Denys Road, this is now 23.35, before then leaving and walking back in the direction of Belmont Road.

C

Right, let's move now please to the 999 call and I think we do *need*, can we now all look together please at tab 9 behind, behind tab 9.

(pause)

D

His Honour Judge Mousley: I'm not going to go through this line by line, I'm going to pick some bits out. I'll try to, so second line, Gurpreet Digwa:

E

"We've just been attacked by someone racially. [And four lines below that,]
we just got attacked racially by some white person."

Down I think in line with the second hole punch the Operator says:

F

"Have any weapons been involved?"

"No, no, no, no,"

G

says Gurpreet. Gurpreet then makes reference to the fact that he's calling the police and then two line, two entries up from the bottom of the page Gurpreet says:

H

"We're restraining him right now because he's just attacked my brother and took my brother's turban off. [Top of the page, next page,] can we have someone out here, please? [And then four entries below that,] OK, and he's also recorded some shit as well on his phone so can we please have the police out here urgently?"

A [A few lines below that, about five entries below that,] he's verbally attacked my brother racially [and then just after that,] he's attacked my brother and took his turban then he's recorded it on his phone thinking he was going to do something, so I need someone here asap please."

B I think we can go over to page 3. Second box down:

C "He ain't fighting people, he's racially attacking people, that's what he's doing. He sees some brown people, that's what it was. [Just down past the first hole punch, Gurpreet,] my, I haven't because I've just come back, my brother, my brother's had his hair pulled and then the guy has fallen over because he looks like he's drunk and he's fallen over and he's hurt his face. He also recorded my brother when he was about to attack my brother so I want this please to be sorted. We've just come back from town, *piled up* to go home, and this is what's happened."

D

And then bottom box on that page:

E "Vick, what did he say to you when he attacked you?"

And then it's described as unknown person, would appear to be Vickrum:

F "Then he's barged into me and I'm like, 'look, bro, what you doing' just."

And then Gurpreet repeats that and says, or he says:

G "My brother says he came back to the car to grab my stuff, my food from the car, and he come to my brother, stumbled into my brother in a drunk way, a rage. [And then Gurpreet asks his brother,] what did he say to you?"

H And Vickrum says:

"'Who do you think you are?' I said, 'look bro, you're drunk, carry on, walk on' and he goes, 'oh, who do you think, bad man, look, I am a bad man.'"

A

Further on down the page just above the second hole punch Vickrum Digwa says:

“Yeah, so he walked into and stumbled, he was drunk. I clearly said to him, ‘look, look mate, you’re drunk. Carry on about your day. Do what you need to do.’”

B

And then three boxes up from the bottom of the page, Vickrum says:

C

“And then he goes to me, ‘who do you think you are? Who do you think you are?’”

And that’s repeated back by Gurpreet. Top of page 5, Vickrum says:

D

“And then he goes, ‘oh you’re this, you’re that, who do you think you are, a bad man?’ And I was like, ‘yeah, I am a bad man, all right?’ And then he starts recording me. Right as he starts recording me I snatch his phone. He’s then laid a punch onto me. He pushed me about and my turban came, come off. He then started grabbing my head so I then grabbed him and then he started pushing me, attacking me even further and everything like that.”

E

Just down by the second hole punch, Gurpreet says to his brother:

F

“Did he racially say anything to you?”

And Vickrum says:

G

“He called me a Paki.”

I think we can go over the page to page 6.

H

(pause)

His Honour Judge Mousley: Just below the second hole punch, this is now back with Gurpreet Digwa saying:

A “At the minute now he’s lying on the floor, he was trying to get away. He jumped over some bins and stuff on the other neighbour’s side. He jumped over the bins and tried to leave through the bin way. He’s left a shoe here as well.”

B And the Operator says:

“So he doesn’t have any injuries?”

C And Gurpreet says:

“He’s hurt his face, I think he’s fallen when he tried to climb over the bin.”

D Page, page 7. Second box down, the Operator says:

“Do you think he needs medical[,]”

E well, sorry, *from* top line, Gurpreet says:

“He’s hurt his face *from* his mouth and he’s bleeding from his mouth.”

F The *Opera* says, Operator says:

“Do you think he needs medical attention?”

And Gurpreet says:

G “Does he need medical attention? He will, yeah, I believe, yeah. So he’s jumped over the gate, he’s fallen onto a car on the other side, and he’s obviously very drunk as well at the minute.”

H And the Operator says:

“Just to confirm, no one’s seen any weapons?”

A And Gurpreet says:

“No, no, I don’t know what weapons it would be. I don’t know what weapons he would have seen.”

B And I think that’s all I need to take you through so far as that is concerned.

Can I now remind you of some evidence from witnesses who were nearby who heard and/or saw parts of what was going on at that time?

C
(pause)

His Honour Judge Mousley: [Witness 1] made a statement on 13 December, he said:

D “At 23.20 I was in bed when I heard some shouting. It sounded like a foreign language. The time between the shouting was big but then the shouting started getting more and more regular, and more and more extreme. After about two or three minutes I went to the window. I opened the window. The first thing
E I heard was words to the effect of ‘this white guy racially attacked us’ or ‘this white guy has just attacked us racially’.

[He said,] the first thing I saw was people on the left hand side of the white
F house on the other side of the road, quite close to the wall of the house but kind of hidden a bit by the fence. There were four to six people shouting and gathered together.

[He said I, he said he took his eyes off the window and he said,] when I looked
G back up, one man was climbing over the fence. He either landed on the car or then climbed onto the car quite quickly. The group of puffer jackets came round [he’d described these people wearing puffer jackets, came round] from the other side of the fence at a fast walk. Two or three people went towards
H the man on the car. Two or three were stood back a bit more in the driveway.

A

One of them shouted, 'you're not getting away, big man.' They also shouted, 'I'm going to slash you', or 'I am going to smash you'. It sounded more like smash, but one or two minutes later after it was followed by someone saying, 'I've been stabbed', so I might be thinking slash only because I heard this afterwards. The speaker of 'I am going to smash or slash' sounded as if English was his second language."

B

He, [Witness 1] said he called the police and then a little bit later on he says at one point he said:

C

"I heard a man shout, 'I'm going to die. I am going to die.' They spoke in [a, he said] a Southampton accent, speaking louder, really panicked, alert and strong. I heard someone say back to him, 'you're not going to die, you're fine.' [And that was also, he said, in] a Southampton or English accent."

D

[Witness 8] on, made a statement on 6 December, she said:

E

"On Wednesday 3 December 2025, I was woken up to lots of noise. The volume was nine out of ten, very loud at this point, and there was a lot of shouting over each other. I then heard someone shout, 'you are not getting away from this, big man'. Followed by, 'I have just been fucking stabbed.'"

F

Later on she describes the police and ambulance arriving and subsequently realising that there was, well she says:

G

"I realised there was a body in front of the house, which surprised me, because Male 2 and Male 3 didn't seem to be helping him in any way following the argument."

H

[Witness 11] made a statement on 31 December 2025. He said:

"On 3 December, I was woken from my sleep by [Witness 8]. She was looking outside the window at this point. I heard a male with a deep voice, in an aggressive tone, shout, 'you're not going to get away from this, big man.' I then heard a different voice scream out in a scared manner, 'I've been

A

fucking stabbed.’ It was said out loud, but also fainter than the previous male’s voice, suggesting to me that they had moved down the road a couple of houses down from where they were beforehand.”

[Witness 7] made a statement on 5 December. He says:

B

“At approximately 23.15 I heard the start of what sounded like an altercation outside. I was in my bedroom. Initially it was the sound of a disagreement happening outside in the road. After a few minutes, the tones of those in the altercation started to sound aggressive, which caught my attention. I continued to listen to the altercation outside, and after a few more seconds, possibly ten to 30, I then heard the sound of an impact. It sounded like someone impacting against a fence with some force.

C

D

I looked out of my bedroom window. The aggressive voices continued. I could hear at least two different voices. I got to the bedroom window at the front of the house and I opened the window to look out. There were two young adult, the aggressive tones had now stopped and gone quiet. There were two young adult males, and they were standing in the driveway of Number ■.

E

The two young males were chatting. Although I couldn’t hear all the words completely, I did hear the words, ‘attacked me’ and ‘he’s drunk’. [The, the,] the two young males were talking quietly at this point, and the aggressive tone had subsided. [He said,] I heard the two young males talking on their phones, and I heard the word ‘police’ so I assumed they were calling the police.

F

G

[After that he said,] I then saw a middle aged man wearing a white T-shirt and white shorts walking quickly towards the two young males. The middle aged man remained in the driveway, talking to the young males. Around 30 to 60 seconds later, I heard a female voice, and saw a middle aged woman come from St Denys Road into Belmont Road, and she also approached them. I noted that another language was also being spoken, other than English.

H

The middle aged woman started knocking on the door of Number 68, but no one answered initially. A male occupant of Number 68 came to the door. I

saw this resident look towards the fence, and he seemed concerned, but I could not see what was on the other side of the fence.

A

[He, he said,] the next thing I was aware [of, of,] of then was the police starting to arrive. This was around 23.36. [Later on he said, I, he said,] I could hear the middle aged woman was in quite a lot of distress, and was moving around quite a bit. [She said while they were all outside, he said,] while they were all outside, I saw one of the young males being taken to the police van and being patted down by officers. I saw the middle aged woman very distressed and going towards [his male, this male, his,] this male and a female officer trying to stop her, and saying that she can't, and discouraging her from going towards the young male."

B

C

And lastly [Witness 6]. He was with his wife in, they're going to bed at 23.15. He said:

D

"After about ten minutes, we heard the sounds of shouting, and the noise of scuffling. It sounded like several people arguing loudly, and seemed to be male voices. I went to a different window within my address on the first floor looking out onto Belmont Road. I saw a group of people, around half a dozen people. These people appeared to be shouting and arguing. I could see a person, who appeared to be sitting on the ground with their back to a property wall. There were people assisting the person to stand up. It seemed there was a person either side of the person.

E

F

During the time I was observing these people outside the block of [fat,] flats, I think I heard a male voice say, 'I'm not racist.' I couldn't hear anything else that was being said."

G

(pause)

His Honour Judge Mousley: Police body worn video and the arrests, you have those at tabs 10 and 11. I can summarise the first one which is [Police Constable 1]'s body worn video. [Police Constable 1] *who* seems to have taken the lead in dealing with Henry Nowak, but in the course of that body worn video, [Police Constable 1] says:

H

“Has anyone been hurt other than him?”

A

And Vickrum Digwa says:

“Yeah, me. He’s grabbed, he’s took my turban off, grabbed my hair from.”

B

And just remember on that, you’ve got that, those two images on page, behind tab 17 in your file showing Vickrum Digwa at one point and then subsequently at the point with his hair down and that second image comes from [Police Constable 1]’s body worn video. [Police Constable 1] says:

C

“Are you injured?”

And Vickrum Digwa says:

D

“Yeah, I’ve got a swollen eye, little bruise there.”

And he pointed to his left eye, and then on that recording Henry Nowak says he’s been stabbed in the face, and Vickrum Digwa, and, and, and Gurpreet Digwa says:

E

“He hasn’t been stabbed.”

So that’s that one. Now, now let’s look at tab 11, because it was [Police Constable 5] who was dealing with Vickrum Digwa.

F

(pause)

His Honour Judge Mousley: And if you look down on page 1, next to the second hole punch, Vickrum Digwa says:

G

H

“Pushed my turban off my head, started grabbing my hair, he started grabbing, he started dragging me around. An altercation’s happened. My brother’s then seen it, stopped it, and that’s, he’s then started stumbling around, started climbing around all these sort of bits and bobs and stuff like that, so literally I saw him from there from the get go, from there, I saw, ‘look, mate, you are, you clearly are obviously drunk.’ I said to him, ‘carry on with

A

your day.’ He said that and then he started just escalating the situation, calling me a Paki and all this sort of stuff. This isn’t the first time we’ve had something like this happening.”

B

If we can turn to page 2, halfway down the page, it says unclear which of the males is speaking, it’s probably a reasonable conclusion it’s Vickrum:

“So this is when he got me in the face a few, a fair stupid times as well.”

C

By the second hole punch, the male officer, [Police Constable 5], says:

“OK, so you’ve had an altercation with the guy.”

D

Vickrum Digwa says:

“Yeah.”

E

Page 3, just below the second hole punch, Vickrum Digwa said:

“Yeah, and like I said, this isn’t the first time we’ve had altercations. Not even altercations, we’ve had people racially attack us during the morning.”

F

Top of page 4, Vickrum Digwa says:

G

“One of his shoes was left here. [And then after that he says,] I did see it falling off. [And then just below the second hole punch Vickrum Digwa says,] yeah, I saw him when he was on the floor, so me and my father, what we have done, obviously is he’s climbed over, my father has then come, he was at home, my brother has then called him and said, ‘look, this is what’s happened.’ My dad’s come rushing, he was in bed, and we put him there against the wall just to make sure everything, because then we saw he was like bleeding.”

H

Bottom of the page, last box:

A

“Like I said, so I was literally just walking here and I’ve seen him and he’s then barged into me. I’ve said to him, ‘look, clearly mate, you’re drunk.’ I could smell, I could, alcohol. ‘Carry on with your day, innit?’ He’s then called me a Paki. ‘Oh, you Pakis think you’re this and that. You think you’re a bad man.’ I said, ‘yeah, I am a bad man.’ He then started recording me. Obviously then I just [something inaudible], I pushed him. He’s grabbed me then started grabbing my turban, pulled my hair, started grabbing my hair, started punching me and all this sort of stuff.”

B

And the, [Police Constable 5] says:

C

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

This is the one on the face.

D

“What wound, sorry? [And he, Vickrum says,] must have been when we punched him but he did fall over. He was climbing all over these bins and stuff like that.”

E

So now we move onto the arrest at the bottom of page 5, and two boxes up the male officer says:

F

“OK, this is important mate, all right? At this time I’m arresting you on suspicion of attempt murder, OK?”

And Digwa says, Vickrum Digwa says:

G

“What?”

The male, [Police Constable 5] then cautioned him and Vickrum Digwa said:

H

“What do you mean attempt murder? Why am I getting arrested?”

And then [Police Constable 5] explains and in the box below that, Vickrum Digwa says:

“Mate, I’ve been racially attacked.”

A
(pause)

B
His Honour Judge Mousley: Yes. So I’m now going to deal with searches that were carried out, different topic, and you have these in your agreed facts but I’ll just remind you of them now, you’ll be able to find them if you need to, but I can tell you this. After his arrest, Vickrum Digwa was taken to Southampton Police Station and searched. He was wearing exhibit 1 around his neck under his shirt, and when he, when he’d been arrested at the scene, Henry Nowak’s mobile phone was found in his pocket.

C
The address at ■ St Denys Road was searched and in, Vickrum Digwa’s bedroom, which he shared with his brother, the police found exhibit 2 amongst over 20 articles of Sikh bladed weaponry. Analysis of Vickrum Digwa’s mobile phone in the month prior to the incident showing there’d been about 30 searches in relation to Sikh bladed weaponry.

D
Next topic then is interviews. In fact, before I come to that I’m going to deal with, before the interviews the recording that took place when Vickrum Digwa and Gurpreet Digwa be, were being transported in a van. You heard that there was a need for them to be taken to court so that their time in custody could be extended as part of the investigation. So that’s tab 13, members of the jury.

E
(pause)

F
His Honour Judge Mousley: And this was on 5 December, and you can see that from the transcript, and you can see that on the day there’s a, a, that this is the recording. It’s been translated from Punjabi into English, *and* I will just draw out some of this from here. If we pick it up at ten dot 01 dot, colon 29. Gurpreet:

G
“You should say that I had, I said to protect myself, you should say that it was self defence.”

H
Vickrum says:

“Yes, I have said that.”

Gurpreet:

A “And which shastar did you use?”

And Gurpreet then says at 10.01.45:

B “Defended yourself and which weapon?”

Then 10.01.47, he says:

C “*Chura* knife.”

I think that may not be an accurate but knife. Gurpreet says:

D “Did you say that?”

Vickrum says:

E “Yes.”

10.02.04, Gurpreet says:

F “You should have said [it says *do you* there, I think it should be] dori.”

And you’ll remember the evidence about doris and shastars.

“You should have said dori, the other one.”

G 10.02.17, Vickrum:

“The *chura*, the knife cannot be found. He has told me that, my solicitor.”

H Over the page at 10.02, 10.02.46, Gurpreet:

“What did you do?”

A Vickrum says:

“Eh?”

B Gurpreet:

“What did you do? Did you even do anything?”

C Vickrum says:

“Hm, yes.”

And then he says at 10.02.51 to 52:

D “One here [pointing towards the shoulder,] towards the face, and one on the chest.”

E 10.03.07, Vickrum says:

“*Like*, he was, like he was 18 years of age.”

F Something indistinct and Gurpreet says:

“You should not have done it.”

G At 10.03.13 Vickrum says:

“It was my fault and my mistake.”

H Bottom of the page, 10.03.54, Gurpreet says:

“You have not even done anything wrong. He was the one who started fighting with you first.”

Then top of the page, page 3, Vickrum says:

A

“Yes, that is right.”

“And any cameras there?”

B

Something indistinct, and Vickrum says:

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

C

Go over the page 4.

(pause)

D

His Honour Judge Mousley: 10.07.07, Gurpreet says:

“Should have pushed.”

E

Vickrum says:

“Hm.”

Gurpreet says:

F

“Should have just pushed.”

Vickrum, Vickrum says:

G

“He did. My hair came undone.”

Page 8, please. Well, perhaps page 7.

H

(pause)

His Honour Judge Mousley: Well, second box up from the bottom of page 7, Gurpreet says something indistinct:

A

“You defended yourself or acted in self defence.”

And then over on page 8, 12.31.08, Vickrum:

B

“We *hit*.”

Gurpreet:

C

“A knife. [Gurpreet,] you should have hit him or beaten him up. Why did you use the kirpan?”

And Vickrum said:

D

“I am a fool. Idiot.”

And at 12.32.12, Gurpreet says:

E

“Just use the [he, he says] *chura* or knife, small one.”

Then at 20, 12.32.55, Vickrum says:

F

“Mum was making a lot of noise. It was my fault.”

Page 9, second line down:

G

“I had my phone on me.”

And at 12.33, Gurpreet said:

H

“Then you should have ran away from there.”

Page 10, 12.38.30, Gurpreet says:

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

Vickrum:

B “No, I will not.”

“Whatever they tell you, listen to them.”

Gurpreet says:

C “They went after Mum.”

“Hm.”

D “They went after Mum. Mum went inside, picked up. [And Gurpreet then says,] praying God save us, we have not done anything wrong.”

E 12.41.01, just below the second hole punch, Gurpreet:

“Why did you fight with him?”

Vickrum:

F “He fought with me.”

Gurpreet:

G “You should have taken [something indistinct] and ran away [something indistinct].”

H And Vickrum says:

“No, because I’ve said that.”

Gurpreet says:

A "Say self defence."

Vickrum says:

B "Hm."

Page 11.

C (pause)

His Honour Judge Mousley: 12.42.36, just above the first hole punch, Gurpreet:

D "Speak with your solicitor properly. [Gurpreet,] I, that I only pushed him."

Though that could possibly be Vickrum saying:

E "I only pushed him."

Vickrum:

F "That is all, not going to say anything. You only tried to stop me."

12.43.01, Gurpreet says:

G "I said that I pushed."

Vickrum says:

"Not going to say anything now."

H Gurpreet says:

"I have said that now."

A Vickrum, Gurpreet says something indistinct:

“He had not died and we did not leave him or ran away, just stayed with him.”

B Vickrum:

“You are just going to say that he came back to us.”

C Gurpreet nods. Gurpreet says:

“You just say that my turban came off.”

D Vickrum says:

“You helped me up, my turban, my hair, and my stuff, belongings, things.”

E Gurpreet said:

“You said at first ‘I pushed him’. You should say that ‘I went to pick up my turban.’ [Gurpreet says,] you fell in on the bin three times.”

F Vickrum says:

“Yes, and then hit him there. Hm.”

G Gurpreet says:

“Say dori.”

H That’s the one that worn around the neck, and he repeats that:

“Say dori”

after Vickrum says:

A

“*Will* check with my solicitor.”

Page, page 12, 12, second box down, 12.44.42, Gurpreet:

B

“You should have said that have used kirpan.”

Vickrum:

C

“I have said kirpan, too.”

Gurpreet says:

D

“Dori is the kirpan, means the kirpan. [Gurpreet says,] you should have said dori.”

Further down the page between the two hole punches, 12.45.39, Gurpreet says:

E

“You should say that you were frightened.”

“I know. I know, be quiet now.”

And 12.46, Gurpreet:

F

“I just push once and moved aside.”

Gurpreet says:

G

“Not going to say that either now.”

Gurpreet:

H

“If I say no now, they will ask why you have changed what is said. Just say that you pushed him once to push him away from you.”

And Gurpreet, and Vickrum says:

A "I know."

(pause)

B **His Honour Judge Mousley:** There were various interviews carried out with Vickrum Digwa, and again the timings of those are set out in your agreed facts but I can remind you now without you having to look at them. He was interviewed first on 5 December between six, starting at 6.51pm, again at 10.09pm. He was then interviewed on 6 December starting at 12.42pm, and
C then a fourth time on 7 December starting at 10.53am. He had a solicitor present throughout all those interviews and he was cautioned at the start about them and when he was asked questions he made no comment to all those questions.

D After that, that first *view*, interview on 7 December, his solicitor gave the police the prepared statement that you have at tab 14 of the bundle. Let's just have a look at tab 14.

(pause)

E **His Honour Judge Mousley:** And again, I'll just pick out a few parts of this. Paragraph 2:

F "I saw a male [I now,] I believe now to be Henry Nowak. He appeared to be intoxicated, walking in my direction on the same side of the pavement I was on. I moved to one side on the pavement to allow him to pass, however he
G came at me and barged into me. I reacted by saying to him what was he doing and to go about his day as he was drunk. I had no intention to engage in any confrontation. I was racially and physically abused by Henry Nowak and he asked me if I was a bad man.

H [Paragraph 6,] I was petrified at the time as he pulled out his phone to record his attack on me. [Seven,] the racial attack on me resulted on my turban being punched off by Henry Nowak and he was dragging me onto a driveway by my hair. My hair was in my eyes and I was feeling pain from the blow. I was trying to fend off the attack, I was scared. I didn't know what to do as I didn't know if he had a weapon.

A I am a baptised Sikh and wear a kirpan and I was worried he would use it on me as the attack continued. I managed to pull the kirpan from its case and made punching movements to the leg area just to stop the attack. The [attack continued and I continued to punch out again. Sorry, the] attack continued and I continued to punch out again. I did not know why he stopped and moved away as he was wearing dark clothing and I could not see blood on him other than on his face. I did not intend to injure him [or,] or for him to lose his life.

B
C [Paragraph 12,] I only acted in self defence to protect myself. The incident came to an end when my brother somehow arrived at the scene. I confirm my brother was not present during the altercation.”

D And then after that there was a, another interview beginning at 3.10pm in the afternoon again with the solicitor. *The* prepared statement was then read out and he was asked further questions and made no comment to all of them.

E Just sticking with Vickrum Digwa for a moment, you know then that once proceedings were underway that Vickrum Digwa provided what’s called a defence statement, setting out his case, and I think now behind tab 12 you’ve got an extract from that defence statement.

(pause)

F **His Honour Judge Mousley:** And you see there:

G “Mr Nowak stepped back and punched the Defendant’s turban off his head, he grabbed the Defendant’s hair and pulled him around. The Defendant has long hair that falls to his mid back. The Defendant 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.

H 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.”

(pause)

His Honour Judge Mousley: Kiran Kaur was also interviewed, and again this is in your agreed facts, but she was interviewed on, on 5 December beginning at 5.50pm, and again on 7 December beginning at 3.08pm. She had a solicitor and an interpreter, and was cautioned. The prepared statements that you have behind tab 15 and 16 where she denied murder and she denied assisting an offender were handed in during that interview process. She was asked questions in both interviews about the allegations and answered no comment to all of them.

Members of the jury, I think what *we'll* do now is we'll take a break and then I shall, when we come back in I'll remind you of Vickrum Digwa's evidence, and then after that we'll simply have a quick look again at the questions I have provided to you, and then you'll be beginning your discussions. So we'll say 12.15pm. Thank you.

(adjournment)

His Honour Judge Mousley: So I'm now going to remind you of the evidence that Vickrum Digwa gave to you in this case. As I say, this is, this is my summary. I hope to, to do it justice by covering sufficient parts of it. He said:

"On 3 December, I came back from work at about 5.50pm *then* I retied my turban as I did every day twice a day. I decided to join Gurpreet who was doing some deliveries. I was wearing exhibit 2. We were with, I was with my cousin also. He was, and we were out for about two hours. We met another friend from London and went to a dessert shop, then we dropped everyone off and it was just me and my brother and we parked in Belmont Road.

We went to see a friend who was on the other side of Belmont Road, in the, in a, in a red car which he was driving and we got into the car. My friend was in the driver's seat, I, I, I got out of that car first as we, as I had, as we had, as, as I had left some curried chips in my brother's car and he asked me to get them.

A

I crossed into Belmont Road and I saw Henry Nowak walking towards me on the same pavement. I noticed him, it seemed like he was drunk. He wasn't walking in a straight line and was stumbling. I moved off the pavement, pavement onto the yellow lines to let him past. He barged into me. I thought it was deliberate. Nothing was said and I carried on.

B

Henry Nowak turned round and said, 'you could have moved up a little bit more.' I was looking down the road south and I couldn't see him, but when I turned around he was facing me. We were from about me to where the Court, Court Clerk sits in court apart. I said, 'you're right, I could have moved further. Carry on with your day.' I said, 'you're drunk, I am trying to go to my car. You're right, I'm sorry.'

C

D

He said, 'you Pakis think you lot can do what you want.' He was moving closer. I was stationary. He was saying, 'you think you're a bad man. I'm from Essex and you don't know what people from Essex are on.' It seemed like he was threatening me. He was getting closer, how was now from where I am to the Usher in court.

E

I kept saying, 'look mate, carry on with your day, you're drunk, I'm just going to my car.' He kept saying, 'you think you are a bad boy.' I said, 'yeah, I am a bad boy.' I, I had turned around, I turned around so I then had my back to him and I was starting to walk away. Henry Nowak started laughing at me saying, 'you think you are a bad boy', and he pulled out his phone to record me.

F

G

I, I was thinking he was recording me and this was escalating. There had been a lot of attacks on Sikhs and a lot had been videoed by the attackers. I went to block the phone. As I blocked it, I grabbed it. He said, 'give me my phone back.' I said to him, 'delete the recording.'

H

He punched me to the left side of my face. He grabbed me and continued to punch me to the left side of the face. He grabbed my clothing around the collar bone. He then punched my turban off my head. All three layers came off. My hair was open and down. I punched him a few times to the stomach to get him

off me. He grabbed me by my hair and was ragging me about, and we ended up on the driveway, both standing.

A

I kept saying, 'let go of my hair.' He didn't and carried on ragging me around. My head was down as he pulled me forwards and my head was towards him. I was at 90 degrees. I just wanted him to get off me. The pain, I was feeling pain and my hair and my eye were hurting from when he'd punched me.

B

Henry Nowak started saying, 'I'm going to fuck you up, I'm going to kill you.' I felt he was going to use my kirpan on me. I used my left hand and grabbed my kirpan out and stabbed him twice in the back of the legs. I was facing towards him and he was towards me. He had hold of my hair and did not release it after I stabbed him in the leg. I switched the kirpan into my right hand, used, and then, and used both hands to push him off. I was a little more upright at that time. I am left handed.

C

D

The, when I pushed, the kirpan was still in my right hand and, and I came into contact with his chest. He then let go of my hair. It was definitely my left hand that made contact, I can't be sure about my right.

E

My brother came. It felt scary at the time. The whole physical altercation was only a minute or a minute and a half. I thought I had to do something because I was afraid he was going to stab me. I did not mean to stab him in the chest. I did not know I had when my brother came.

F

When the police came, I was not aware I had stabbed him in the chest, but I was aware I had stabbed him in the leg. I did not tell the police because I was scared. It was the first time anything like this had happened. I no longer had my kirpan. I had asked my mum to hold it whilst I picked up my other thing, my bunga, and the keski, and the, and the dumalla. I did not tell her why I wanted her to.

G

H

I tied my hair back up in a loose bun. I, I, I then found my dumalla and the others were handed to me by my brother afterwards. My hair was then in a loose bun but it opened up as I was going up and down looking for things.

A I felt abused and scared. It made me feel better I had my family there. When the police arrested me, my mind was fuzzy. Everything had happened so quickly, I could not comprehend it at all. I first realised I had stabbed him in the chest before my first interview when they gave me pre-interview disclosure. I had a solicitor with whom I spoke before the interview, and then **B** first understood that Henry Nowak had received a fatal wound to his chest area.

C I made no comment to questions because I was advised by my legal team to do that. It was my first time and I thought they had the best advice. [And going back to the incident, he said,] I didn't mean to do it."

D He was then asked questions by Mr Lobbenberg. He accepted that he gave the kirpan to his mother. He was asked about the last picture in, behind tab 20 of the images of the weaponry laid out on a table. He said:

E "That was a collection of mine and my brother's weapons. Some were kept in my bedroom, some of them in a bag. I do have an interest in antique Sikh weapons. We give demonstrations and I'm interested in the history. I'm proud of that and had been doing it since I had been ten. I know how to use them. The one I chose to wear on that night was part of my religion and my identity. It is a beautiful antique. I don't like to show off and be a hard man.

F When Henry Nowak said he was going to fuck me up, I was scared and frightened. I thought he would use my kirpan against me. It is not an offensive weapon but it can be used as a last resort. That was the only reason I drew the **G** knife."

He, he was asked about his prepared statement. He said:

H "I was in custody and had been interviewed. It was my choice to make no comment on the advice I was given. My prepared statement was carefully prepared and I knew it was very important."

A He was then taken through the, the statement, and firstly he was asked about the suggestion of stumbling and weaving, and what he had said in fact in his defence statement where he hadn't mentioned that. He said, he was shown the footage of Henry Nowak, you remember, from the dash cam camera, looking, walking up Belmont Road, and he agreed Henry Nowak was not stumbling or weaving on that.

B “When I, when I saw him, he, he was stumbling and not walking in a straight line. [He said,] I was scared because he started recording me [and then that little clip was played to you of him approaching him. He said], I closed the gap to him because he was recording me. I thought if he didn't he might attack me from behind. I closed the gap to stop him recording. I didn't like being recorded. He was goading me to say I was a bad man before I said it. They were his words.

D I grabbed his phone and asked him to delete the recording. It was in my hand. There had been various attacks on Sikhs and lots had been videoed and posted online. He said, ‘give me my phone back.’ He punched me and dropped it. After my brother had arrived, I had picked it up as I knew there was a video of me and I was going to give it to the police. I did not give it to them straightaway. It was found when I was booked in at the station. The police were very occupied at the scene and I did not have the opportunity to give it to them.”

F He was asked about the photograph, the, the, the injuries to, or the, that there were on Henry's hands, and the absence of certain injuries. He says:

G “Henry Nowak was punching me. I don't know why there are no punching injuries to his hands. My left eye was cut and swollen from him punching me.”

He said that the fatal wound:

H “must have happened when I pushed him. I did not tell the police that Henry had said he wanted to fuck me up and kill me. I don't know why I didn't say that.”

A

He was asked about the 999 call and, and, and what he'd said, and what he had said in that call to the Operator. He said:

B

"*Oh*, when I was talking to the Operator I was giving a, giving a very brief description. I did not mention that I had a knife or that I stabbed him. My mind didn't comprehend what was going on. My kirpan was only used in self defence."

C

He was asked about the, the van recording, and he said:

"I said in that recording it was my fault because I started it in self defence. I had no, and I had no intention to kill anyone."

D

He said in relation to a passage on page 4 in that thing:

E

"I told my brother he pushed me and my hair came down in the van. I had told my brother at the scene what he had done. I did not need to repeat it all to him. I did not tell anyone I had stabbed him in the legs. I told lies and the scene."

And he was asked about the transcript behind tab 7. He said:

F

"I said he was pretending because I thought he was pretending to be worse than he was. I knew I had stabbed him twice in the leg, I had no idea I'd fatally stabbed him. I was not lying to protect myself. I did not realise how far it had gone. My brother and, me and my brother were helping Henry Nowak. We should have called an ambulance before the police."

G

When the police came, I knew I had stabbed him. I was explaining to the police what had happened to me. I did not mention the knife because I was scared. This was the first time I had ever used my kirpan.

H

When [Police Constable 1] was there, Henry Nowak was in a bad way. I did not tell him what I had done to Henry Nowak. I was speaking to C[Police Constable 5]

A

at the time. I did not say to him that Henry Nowak was really hurt, I had stabbed him.

B

I didn't know if Henry Nowak was armed. He had a phone in his hand. He did not pull, pull out any weapon. I did not choose to wear that knife, it was part of my religious duty and I used it in self defence. I believed he would use my knife to kill me."

C

He was asked about his defence statement and the fact that he didn't, had said anything about a threat to kill him by Henry Nowak. He said:

D

"I did not say he threatened to kill me in the statement but I had told my solicitor that. At the scene I did not mention it at all. It had all snowballed and everything happened so quickly."

E

He said, was asked about some of the injuries and the cut to the face, he said:

"I don't know how that was caused. The chest wound, [he said,] I think that was when I pushed him off. I did not feel the knife going through his clothing in, and into his body. [And then he said,] I had no intent, intentions to stab him in the chest."

F

He was going back, going back to what happened in the van, he said:

G

"I relayed to my brother in the van what the police had told me about the fatal wound. When I stabbed him in the leg and then pushed him, pushed him away, it all happened very quickly. I did not chase him. After I had pushed him off, my brother came and my brother also pushed him. I filmed him. My brother had his phone out. Henry Nowak was trying to get away. I made the film to show he was running away after attacking me and to get some identification. I stopped filming when I realised my brother was filming."

H

He was asked about the close up video he took of Henry Nowak. He said:

A

“I was making a video of the face of Henry Nowak because he was, because he’d been running away. I don’t know why I did it when he was lying down with a bloody face saying that he was dying.”

He said that when Gurpreet said that he was calling the police, he said:

B

“My mother and father were there. I asked Mum to hold the knife. I needed to pick up my other items which had fallen out during the incident. It was sacrilegious to put my kirpan on the floor. If I had kept it on, bending down to pick things up would have caused it to touch the floor. I didn’t see her much after that. I never told her to go home or to hide it. I did ask where it was but she didn’t tell me. The police had come and they were asking me questions and then I was arrested.

C

D

I didn’t need to get rid of the knife and I didn’t find everything that I had been looking for when I gave the knife to her. When she came back I noticed her and that she did not have my kirpan. I asked her where it was and she didn’t answer. It’s a coincidence that this all happened when I knew the police were coming.”

E

He was asked about the two images on, behind tab 17, with and without the hair up or down. He said:

F

“My hair was in a loose bun without a bunga. When the police arrived, I was running around, looking up and down. It was a loose bun and I was demonstrating to the police then how he had pulled my hair. [He said,] I did not deliberately get rid of the knife.”

G

He was asked again about *it*, what was in his defence statement. He said:

H

“I didn’t know he was stabbed until I got to the police station. When I said it was [when his father had blood on his shirt, when, when,] when my father had blood on his shirt, I don’t know why I said that in my defence statement.”

And then in answer to a few questions I asked him he said:

A “After I pushed him away, I put the knife back in the sheath as he was moving
away. It was easier to give my kirpan and the belt to my mother rather than
just the kirpan itself. I don’t know why I said something different in my
defence statement about when I first believed he had been stabbed, and when
B I first saw the cut on his face I thought he might have got it from my brother
or when he fell off the fence. My turban had fallen off as a whole after he
punched it once deliberately.”

C Well, Kiran Kaur didn’t give evidence, you know, and, but it is said on behalf that nothing
would, would have been said at the scene about a stabbing and she would not necessarily have
noticed or understood what was going on. That she, and that she, and that when she was asked
to take the knife from, by her son Vickrum, she did not, the evidence does not show after that
that she threw it away or did anything more with it.

D And so, members of the jury, we’ll come back, if we may, to the questions. Can I ask you just
to find those?

E (pause)

His Honour Judge Mousley: So Count 1, the allegation of murder, question one, are you sure
Vickrum Digwa deliberately inflicted the wound which killed Henry Nowak? You may think
that the answer to that question is crucial in terms of what decisions you make after that,
F answering that question. Obviously there’s a sequence. If you answer that question yes, you
will go to the second question which is about reasonable self defence.

G You will remember *that, what I*, what, in your other legal directions what I told you about
reasonable self defence. The Prosecution must prove that it wasn’t necessary to use force in self
defence, but, and, or if it was necessary to use force in self defence, the force that was used was
unreasonable. So your answer to that first question may be, that may be very significant in terms
of where you go from there in deciding this case because the second questions is reasonable
self defence, the third question is what was his intention? And, as I say, if you’ve answered the
H question that he deliberately inflicted the wound which killed Henry Nowak, that may assist
you with answering the subsequent questions there.

A

Equally, if you have not answered that question yes, then that would take you to Count 4, to and question four, which deals with a situation where force is used which resulted in a wound and whether that was in self defence and whether or not anyone would have realised that there was a risk of some harm from doing what he did.

B

Count 2, over the page. Is it more likely than not that for the whole of the time from going out from his home with the knife until giving it to Kiran Kaur, Vickrum Digwa had a good reason for having it? If yes, he is, he is not guilty. If no, he is guilty. Well, again, members of the jury, it's for you to decide, but you, but you may want to consider his reasons for having it when it was in his sheath and, but also his reasons for having it when he took it out of its sheath.

C

So those *might*, that may also help you focus upon the issue so far as that is concerned, and so far as the case again him is concerned, the Prosecution say from the combination of all the evidence, *so the* pathology, the, the way, the, the depth of the wounds, the positioning of the wounds, the fact that it, that it was quite clearly, that, that, that made contact with different parts of the body in addition to the fatal wound, then his apparent lies at the scene and then the fact that his defence does not full emerge until the time that he gave evidence in the witness box, and the Prosecution submit that that is all highly relevant when it comes to considering all the questions but certainly that very first question which is on, which is on your list there.

E

The Defence of course say no. This isn't, the, the fatal wound could have been caused in the way that Vickrum Digwa describes. There is some support for the behaviour of Henry Nowak from different parts of the evidence which might suggest that he was being aggressive of threatening, and the Prosecution say there are perfectly understandable reasons for why he said what he said or didn't say, *and what*, after, after the event what had happened or indeed during the interviews or indeed the prepared statement and not until he gave his final version in the witness box to you.

F

G

Count 3, Count 2, Count 3 obviously Kiran Kaur. Question one, are you sure Vickrum Digwa is guilty of Count 1 or Count 4? If yes, go onto the next question. If no, she's not guilty. So if you, if you find Vickrum Digwa guilty of murder or manslaughter, then you would go onto questions *two to three*. Are you sure at any point after taking the knife to when it was found, she knew or believed, so that's from the time she took it up to the time it was found, that, that, that Vickrum Digwa had stabbed Henry Nowak, causing injury? And thirdly, are you sure that she intended by that to make it harder for Vickrum Digwa to be caught or prosecuted?

H

A

Now, I've explained how Count 4 comes about. It comes about, so far as Vickrum Digwa is concerned, as a consequence of my legal directions to you, and just like the other charges, you have heard that he has pleaded not guilty to that, and it will be your charge to return a verdict, if you need to, on that count, but you will, as I explained to you earlier, it will depend on your decision in respect of the questions that relate to Count 1 before that could arise. So I hope that all makes sense.

B

C

You will be given, as I've said, access to a, a laptop, to a, so that you can view the presentation and any parts of the footage you want to watch. You've also had some other bits of material captured for you. You've got all the paperwork in the case, and so that completes all I want to say by way of summing up the evidence to you, and so in a few moments when the Ushers have taken their oaths to be your jury bailiffs, I am going to ask you please to leave court. This time, do take all your court papers with you to begin your discussions, and then as and when you are ready to return and to announce your verdicts.

D

Just wait there a moment.

E

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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