

**IN THE CROWN COURT AT MANCHESTER**

**Case No: T20147700**

**CAO No (if applicable): \_\_\_\_\_**

**The Court House  
Minshull Street  
Manchester M1 3FS**

**Date of hearing: Friday, 10<sup>th</sup> July, 2015**  
**Start Time: 15:11:55 Finish Time: 15:20:23**

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**Before:**

**JUDGE UNKNOWN**

**R E G I N A**

**- v -**

**HASSAN ALI**

**MR. USHER** appeared on behalf of the prosecution  
**MR. KHAN** appeared on behalf of the defendant

**SENTENCING REMARKS**

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Friday, 10<sup>th</sup> July, 2015

JUDGE UNKNOWN: Hassan Ali, stand up, please. You are 21 years of age, you have no previous convictions recorded against you at all, save some time ago you were reprimanded for assault we heard in the trial and I ignore that for the purposes of sentencing you today. I sentence you in relation to count 2 on the indictment an offence of child abduction. You were convicted of that offence following a fully contested trial over which I presided, you having been acquitted by the jury of another count on that indictment.

The facts of count 2 I find to be as follows: The child abducted is called [Person A], he is now and was then a child looked after by the local authority. At the material time on the day of the abduction, 21<sup>st</sup> September last year, he was 13 years of age, he is now 14. On 21<sup>st</sup> September he travelled with two other children in care and yourself by Metrolink from Rochdale to Oldham. You had all met earlier the previous day in what may have been a planned meeting. The initial purpose of the meeting appears to have been a wish by at least one of the children to remain out of the care of the care home that day and the trip to Oldham was, it appears, motivated by a desire amongst the three children to: "Chill out" in Oldham away from the possibility of direct contact with care workers in Rochdale.

I come to the view, having heard the evidence in this case that you were aware of this, Mr. Ali, and that [Person A] was a child that you knew was being looked after by the local authority whom you encouraged to remain out of the care of those directly responsible for him.

In Oldham you invited a friend of yours, Bilal Ahmed, to join the group. It is likely that at the time Mr. Ahmed joined the group he developed a sexual interest in two of the children in the group although not [Person A]. It was his suggestion that the group go for the night to a flat of a friend of Mr. Ahmed's, that flat being 186 Tentercroft in Oldham. Your conviction upon count 2 is consistent with you having encouraged [Person A] to go with you all as part of that group.

At the flat the children stayed for a number of hours, well into the early hours of the following morning when eventually they were picked up and taken back to their care home in Rochdale, telephone contact having been established with them.

At the flat the evidence suggests that alcohol and/or drugs may have been consumed. You were present. There was music, dancing and sexualised behaviour involving at least one of the children but not [Person A]. The children had arrived at the flat at a time after 11:30pm, they were to leave the flat at between five and six o'clock the following morning.

In my judgment count 2, the count upon which you are convicted displays the following features: [Person A] was a vulnerable child at the time being looked after by the local authority. You took part in a deliberate act to keep [Person A] away from those tasked with his care placing him conceivably in a position of danger to him which might have caused him harm, there being drug usage and inappropriate sexual behaviour towards children at that flat. [Person A] remained at the flat for a considerable period of time, a number of hours at a time when nobody in authority knew where he was and if he was properly safe. It seems to me that offending of that sort, Mr. Ali, towards children properly merits an immediate custodial sentence.

There are no guidelines available from the Sentencing Council for offending of this type but I have considered various authorities in *Banks(?)* which would suggest that the tariff for offending of this nature in relation to [Person A] exceeds 12 months.

There is mitigation available to you. I accept that there is no evidence that [Person A] was directly harmed during the abduction in the sense that he was not sexually abused but I do take into account the fact that there may have been some indirect harm to him given the acts he may have witnessed in the flat. I accept that you, Hassan Ali, are a comparatively young man yourself with no convictions recorded against you and much of a future it is hoped in front of you as displayed by the documents that have been provided to me this morning in relation to the potential for you to enter university tuition.

There is not at the moment a pre-sentence report in your case. I have discussed with your learned counsel, Mr. Khan, whether or not, given an indication I have given to him as to the likely sentence, he requires a pre-sentence report any longer be prepared.

His submission to me is that he does not and therefore I do not ask this case be further adjourned for the preparation of such a document.

You have, as I understand it, been in custody in these proceedings either directly or by way of a qualifying curfew for a period of six months plus. That equates to a sentence in excess of 12 months and what I propose to do is impose upon you a sentence that allows for your immediate release today you having been in custody for that period of time, which on any view cannot have been an easy experience for you given your total lack of antecedent history and therefore never having been incarcerated before. There is, of course, no credit whatsoever that can be extended to you by way of guilty plea.

My judgment, balancing the aggravating and mitigating features, custody is inevitable in a case such as this but of such length as to allow for your immediate release in the particular circumstances of your case as I have outlined them. It follows I impose upon you in relation to count 2 a custodial sentence of 12 months which will allow for your immediate release on licence. Of course, you must abide by your licence conditions. If you do not abide by your licence conditions you will find yourself recalled once more to custody and that includes if you were to reoffend. Each and every day I have outlined will count towards the sentence I have just imposed upon you allowing for your immediate release including the days spent on qualifying curfew, the exact amount of days having been clarified as, I think I heard say, 76, is that right? MR. USHER: Correct, your Honour.

JUDGE UNKNOWN: There will be a victim surcharge payable in this case by Mr. Ali, I have no discretion in that regard but I do not order against you any sum by way of costs or, given your financial circumstances, compensation.

Mr. Usher, I regret that I forgot to ask you whether the Crown seek any other order in relation to Hassan Ali?

MR. USHER: No, thank you.

JUDGE UNKNOWN: Very well, there will be no other order and I do not think the notification requirements are triggered by the conviction, are they?

MR. USHER: No, I do not think they are.

JUDGE UNKNOWN: Very well, that is the sentence of the court, thank you.

CLERK OF THE COURT: Your Honour, can I just, I think it is count 2 on the trial indictment but it was count 3 on the original indictment.

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JUDGE UNKNOWN: Thank you.

**Marten Walsh Cherer hereby certifies that the above is an accurate and complete record of the proceedings or part thereof.**

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