



JUDICIARY OF  
ENGLAND AND WALES

**The Crown Court at Bradford**

**Regina –v- Mohammed Naser, Tariq Mahmood, Amjid Ali and Amir Ali.**

**Sentence**

**Mrs Justice Cheema-Grubb**

The defendants can remain seated for the time being. I will tell you when to stand.

After a trial lasting nearly 9 weeks in court, Mohammed Ali Naser you have been convicted (on all counts) of wounding your cousin Idris Khan with intent on count 1, the murder of your cousin Sarfraz Khan on count 2, wounding your cousin Aftab Khan with intent on count 3 and wounding your cousin Asad Khan with intent on count 4.

Tariq Mahmood you have been convicted of all the offences you were charged with too, they are counts 2, 3 & 4.

Amjid Ali & Amir Ali you have been convicted on count 2 of manslaughter, and on counts 3 & 4 of wounding.

These were very grave offences both individually, and cumulatively. They represent the ultimate damage done to four members of your extended family on the night of 14<sup>th</sup> April 2016 when most of them were coming home from work and were attacked with knives. Each of you will serve a long prison sentence. I have a duty to you, your victims and the public to explain my reasoning in reaching the sentences I pass and because of the nature of the trial and the number of counts, it will take me some time to do so.

All of you except you, Amjid Ali, lived with your parents at 20, Cecil Avenue in Bradford. Numbers 14 and 16 Cecil Avenue were occupied by members of your extended family as were other properties both in that street and close by. As Mr Shanawaz Khan, your uncle and father of the man you killed, told the jury, you were part of a close and thriving family. There was a family business, Rossi's Ices, located just a few minutes' drive away, which provided employment for those men in the family who wanted it, including all four of you who worked as ice-cream vendors from vans. You and your cousins went to school together and grew up, largely together, in and out of each other houses and sharing bonds of close friendship. In keeping with your traditions some of you had arranged marriages and some of these were within the family, to first cousins. The joy of some of those marriages turned to sorrow in 2015.

I have no doubt that the unhappiness you Naser, and your brother Sajid, suffered as a result of the breakdown of your marriages to Nazia and Sofina from number 14 and the

consequential breach in your sister Yasmin's marriage to their brother and your cousin, Sarfraz Khan, the man you killed, spread itself to the other defendants. All three of those women returned to their pre-marital homes with their children. The rights and wrongs of the situation between married people is no one else's business but their own and this court is in no position to adjudicate. However, the barest knowledge of human nature shows us that the breaches will have had a profound impact on each of you, your parents and your wider family. Furthermore because you continued to live in close proximity to those at no14 everyone involved was regularly reminded of the unresolved conflict. From the evidence, it would be no exaggeration to say that, to varying extents as between the four of you of course, it poisoned your lives.

Your cousins at no16, your other uncle Jiwan Khan's sons were, of course aware of what had happened and you all thought that they favoured the occupants of no14, Sarfraz Khan (your sister Yasmin's estranged husband) and the women who had left Naser and Sajid.

You Naser, are a hot-headed man who readily loses his self-control as your previous convictions show and in June or July 2015 you involved yourself in a disagreement that had sprung up between Aftab Khan from no16 and your brother Amjid at your work-place, Rossi's Ices. During the course of that incident you started a fight with Tahir, Aftab's youngest brother who is 14 years younger than you. You, Tariq joined in. Elders in the family met and discussed it, this was a method of resolving disputes which your generation had grown up with and, to a point, respected. After that Tahir stayed out of your way.

There was a further incident in Jan/Feb 16 outside no16 where there had been a family meeting for you, Naser and your estranged wife Nazia to discuss the breakdown of your marriage. Tariq had gone along too. Your father Mr Aksar Ali told the jury that he had had to send Nazia away from the meeting because he thought you, Naser and she would get into a fight. As you both left, you Naser were verbally abusing Nazia and when her brother, Tahir intervened on her behalf you again attacked Tahir starting a fight with him, and you Tariq, kicked him when he was on the ground. Your cousins, Idris and Aftab Khan from no16 tried to stop it. A brief fight developed between Aftab, Idris, Naser and Tariq. Eventually neighbours and elders came out to break it up, this included your father.

These were the predicate events about which the jury heard evidence.

At about 9.30pm on 14<sup>th</sup> April 2016 an argument started between you, Amir, and your cousin Basharat Khan (from no16) about whether or not he had knowingly taken a bucket you had been using to clean your ice-cream van, before you had finished using it at Rossi's Ices. Amjid and Naser became involved turning what was an inconsequential misunderstanding into a shouting match and a physical stand-off in which you Naser had to be kept apart from the more vocal of your cousins. I find as a fact that Idris Khan, who had the job of managing Rossi's Ices left the factory building at that time to try to calm the situation down. That incident dissipated without blows being struck but it had served to rile you and bring all your latent feelings, Naser, to the surface. I also find that as a result, before you left Rossi's Ices you made threats to finish it that night, by 'it' you plainly meant the simmering tension between your family at no20 and your cousins at numbers 16 and 14. You plainly intended to do something but exactly what was not clear, probably not even to you, at that moment. Amjid Ali at least was present when that threat was made and although you are the eldest, you failed to calm your brother down.

Tariq Mahmood, you were not at the factory that night when the argument occurred, you were at home seeing to your own ice-cream van which was parked in a garage at the back of Cecil Avenue where there is a collection of garages and other parking space on the other side

of the back yards of the houses. The alley is a cul-de-sac. You drove the short distance to Rossi's Ices after a phone call from your youngest brother, Amir, during the confrontation I've just described. Although he called you, your father became aware that you were rushing off to the factory and he went with you to ensure that there wasn't any trouble between you and your cousins. You arrived at about 9.40pm. After discovering the trivial nature of what had happened your father wanted to achieve two things; separate the four of you from your cousins by getting you home so that there was no further conflict that night and discuss with Idris Khan, the manager of Rossi's Ices how to resolve the issues at the factory.

However, the four of you did not go directly home as your father intended, you delayed your return and indeed all of you drove to the front of Cecil Avenue at just the same time as Idris Khan arrived. He had been told by your father to finish up his work and not leave the factory for half an hour or so and he did exactly that. You, in contrast, had spent time together at the Mumtaz car park rather than going straight home as your father Aksar told you to do. I have no doubt that after the incident at the factory your blood was up and you wanted to discuss your frustration and anger at the situation away from the calming influence of your father. One of your friends Umar Akhtar who was also at the Mumtaz car park became aware of your mood. The jury heard that later, at about 10.16pm, immediately before the out-break of violence in the back alley he told a prosecution witness to move his car from the mouth of the alley, warning him that 'it was all going to kick off'.

Returning to count 1, at about 10.08pm, when Idris Khan parked his car at the front of the Avenue, coincidentally in front of your home, no 20, you four were arriving there, in two cars. You, Naser hurriedly parked your friend's Audi Q7 too and jumped out of the car so as to catch Idris. You rushed at him when he was a few steps from his front garden. You took out a knife with a sharp blade and threw the first blow eventually slashing him three times in the neck and chin. You sliced into the skin of a vulnerable part of his body where, if your strikes had gone deeper he could have suffered life-threatening injuries. In your frenzy and because of his resistance to you, you managed to cut your own hand which bled. You lied to the jury when you said you had parked the Q7 car up for the night; I am sure that you spotted the opportunity to attack one of your cousins when he was alone and you left your phone in it in your haste to intercept him before he reached the sanctuary of home. The three wounds you inflicted to Idris Khan are longer over his skin surface than they are deep. The two wounds at right side pass over major carotid arteries concerned with the blood supply to the brain. If these arteries had been penetrated serious loss of blood would have ensued and could have been fatal. The wound to front of his neck passes over the wind-pipe, which if penetrated could have been fatal. You plainly intended to do him really serious injury and would have carried on had you not been prevented by your brothers and co-defendants who intervened to stop the fight.

This attack was fully Naser's own responsibility and not an intrinsic part of what happened later in the back alley. Consequently I make it clear to all of you that I do not sentence you on the basis that a plan to launch a joint attack on a number of your cousins, if possible, was concrete before you all left the Mumtaz car park. However, it had plainly been formulated before the violence began in the back alley of Cecil Avenue which means that immediately after your father, Aksar Ali came out and slapped Naser and the four of you went inside your home, you quickly decided to use the opportunity of their likely imminent return from work to mount an attack on your cousins from no14 & 16. No great time or deliberation was necessary or indeed involved. It is clear that after your knife attack on Idris, Naser, a line had been crossed. The three of you who gave evidence agreed that this was very serious, no one had ever used a weapon in the disputes within the family before.

I reject the submission made on behalf of Amir Ali that he was not part of any agreement prior to the outbreak of the violence in the back alley. He was the first one to put it into effect by removing himself to the alley to keep a look out for the rest of you and to report back. I do not accept that his motivation for moving the Q7 from the front of the street where it had been left by Naser, was simply to move it to the back alley at his father's request. Whether your father actually made such a request or simply tried to keep watch on what Amir was doing when he left the house so soon after the incident with Idris Khan, I am sure that Amir Ali deliberately placed himself in the back alley as quickly as possible. It is quite likely that you believed news of Nasar's attack on Idris would soon be communicated to his brothers and your other cousins.

I also reject that submission on behalf of Amir Ali because of the phone call made by him to you, Tariq at 10.15pm after Asad Khan had returned to the alley and was parking his car. He joined your cousin and brother-in-law, Sarfraz Khan who was sitting in his car parked in the alley close to the entrance. Within a minute of that call Aftab and Tahir Khan had also arrived in a white golf driven by Sohail Rashid and Basharat Khan had come out of his house too. I reject the wholly unrealistic submissions made on behalf of you Amjid Ali that your cousins at no16 and 14 were planning an attack on you and gathered in the alley for this purpose. This proposition was against the weight of the evidence and has been rejected by the jury insofar as the overall defence of self-defence or defence of others has not succeeded. There was no attack planned or executed against you and the actions you took and your co-defendants took were not in response.

I am sure that your cousins were called back home without specific knowledge of the attack to Idris but also that once they were there Basharat told them what had happened; in words such as 'they've jumped Iddy'. I am satisfied that after they learned this, at least some of your cousins were ready for a fight with you, but they were unarmed of which I am sure in light of the evidence that during the subsequent attack by you, they picked up bits of wood and the like, to protect themselves. It was, as you well knew, a wholly unequal contest.

Tariq, you rushed down after speaking to Amir to join him within 30 seconds of the end of his call to you. I have no doubt you informed Naser and Amjid. You lied to the jury in claiming that the phone call was simply a request for you to remove a pallet from the gate into the alley so that Amir could come back into the house from the back alley. I am sure that you not only went to the gate but out into the alleyway and joined up with him anticipating the violence to come. I reject Amir's account in his prepared statement that he called you, Tariq for that purpose; not only is there no evidence of such a pallet being in place at that time but he wasn't waiting at the gate to come in but still moving vehicles about in the alley and once you Tariq were out in your back yard you didn't just open the gate, you walked out into the alley and joined Amir. You both, Tariq and Amir walked towards the men near the opening of the alley. You were confident enough to do so although Nasar and Amjid had not yet joined you, because you Tariq were armed with a kitchen knife. This, and the fact that you were both confident of the others arriving imminently to back you up, more than made up for the disadvantage in numbers you had at the start.

After an exchange of words, you Tariq Mahmood attacked Asad Khan by striking him in the face with your knife. This is the basis of count 4. You caused a wound to his face in the area of his nose. I have no doubt that you intended to do him more serious harm than you actually accomplished. He hit you back and during the ensuing violence you struck him with what he felt to be a pointed item in the chest. I have no doubt that you continued to attack him with the knife you had and although he sustained a number of small cuts to his chest, he was almost certainly saved from further, serious harm by his thick clothing; the outermost layer

of which, a gilet, was later found to bear penetrating cuts and score marks indicating the use of a sharp object against him.

Amir Ali you played your part in this violence by engaging with the other cousins there although the jury concluded that you did not intend any really serious harm. By their verdicts the jury was sure that this violence was part of the attack you had all planned, you Amjid Ali with the same intention as Amir and you Mohammed Naser, with the same intention as Tariq Mahmood.

Amir, I find that you were not armed with a knife, I reach this conclusion because you did not produce one when your brother Tariq did and although there was one witness who told the jury that he saw you produce a knife I cannot be sure that you had one at any time during the joint attack in the alley. You got the worst of the initial fight with your cousins as is plain from the CCTV recording from a camera high up on the back wall of no22. You were taken to the ground by your cousins and hit and kicked while there. There is no evidence at all that you lost consciousness as you claimed in your prepared statement and there is no doubt that no heavy blow was inflicted to you. You were left alone before you sustained any serious injury. Your brothers Naser and Amjid had come into the alley and although you had a bloody nose and lip which meant that you shed blood around the scene, you continued to participate in the violence against your cousins during which your cousin Sarfraz Khan met his death.

Tariq, having failed to cause serious injury to Asad you turned your attention to his brother Aftab. Aftab had been involved in the fight with Amir in which Amir had been on the ground, as he moved towards where you were I am sure that you prepared to stab him. Immediately before you did Aftab struck your sister who was shouting and gesticulating nearby, in the face. You told the jury that your subsequent multiple strikes to his back with a knife were in defence of her. The jury rejected your account. This was not in defence of another and you had not happened to find a knife dropped on the ground which you picked up for the purpose. Aftab Khan was also stabbed by you, Mohammed Naser shortly afterwards, out of view of the cameras. He is the victim in Count 3. He was stabbed at least six times. Four of the stab wounds were to his back and the side of chest, one was to the left side of his head and one to his left palm. His clothing bore signs of repeated blows with sharp instruments and paramedics who treated him at the scene suspected a punctured lung. He was plainly seriously ill with potentially fatal injuries but saved by expert medical skill. He was kept in intensive care and two weeks later a collection of fluid within his chest was associated with signs of blood poisoning and deterioration in his breathing. He underwent a key-hole operation on 30<sup>th</sup> April to remove fluid within his chest cavity which was likely to be there as a consequence of his injuries.

Amjid Ali, you entered the back alley and introduced a noxious powder into the scene which landed on faces and eyes rendering those under attack disorientated and disabled. To do this I am sure that you prepared an improvised weapon; not complex or sophisticated but very effective. On a stick you attached a bag containing some form of powder, possibly curry or chilli powder. Holes in the bag allowed it to be threaded onto the stick. You may also have used the powder by putting it onto the broom end of a broomstick and throwing it around that way. The powder you distributed was found spread around the scene of the violence and two bags which appeared to have contained it were also found.

Moving to Count 2, Sarfraz Khan hadn't even been at the Rossi's Ices factory that night. The man who died was the 2<sup>nd</sup> eldest amongst you and your cousins. He was well respected and deeply loved. He leaves four children, girls who will become women, who will know that their uncles killed their father. Sarfraz is described in the impact statements I have seen as a kind

and much loved son, brother, uncle, friend and most importantly, father. Sadly, but perhaps unsurprisingly, there is no impact statement from his wife, your sister and so the court has no information as to what effect these events have had on his children but it is not hard to imagine it.

He was killed in a swift and merciless attack in which each of you played your part. After fighting with your brother Sajid Hussain by the side of one of the vehicles in the alley, Sarfraz was then out of view between a line of vehicles and a line of garage shutters. All four of you entered that tight dark space during the time that Sarfraz was there. You Mohammed Naser were again armed with a knife and you were seen attacking Sarfraz out of sight of the CCTV camera. Tariq Mahmood, you too were seen attacking Sarfraz and I have no doubt you were armed with a knife at the time. Sarfraz was crouched down, perhaps kneeling with at least one knee on the ground when he was under attack. He was unable to defend himself against knives, he had no weapon and he was plainly unprepared for what he faced. You Amjid Ali, left your fingernail in Sarfraz's clothing, evidence of some forceful interaction which tore that nail from your finger although the jury was not sure that during your participation in the knife-attack on Sarfraz you intended really serious harm. The same is true in your case Amir Ali, you left your blood in that area behind the vehicles and it had been projected with some force although your exact interaction with the victim is unclear. The two of you, Amjid and Amir were seen together near the shutters, close to where Sarfraz was assaulted, meeting during the violence and your hands came together. It is not possible to be certain whether this was an exchange of weapons or the transfer away from the scene of something particularly incriminating but the fact that both of you were there, still engaged demonstrates that you were participating in the overall attack at the time Sarfraz was being killed. You, Amir are seen striking downwards between the vehicles although it is not clear who or what was your target and certainly Sarfraz was not in that immediate area at that time.

When Sarfraz emerged from behind the vehicles he had suffered three stab wounds as well as other more minor injuries. He died as result of the most serious stab wound which penetrated the left side of his chest into heart muscle causing profound and substantial blood loss leading to death. The knife had also struck a rib. At least moderate force was used to inflict that injury and it, in common with the other two stab wounds, had a downward trajectory. This is consistent, of course, with the description of the position of the victim when he was being attacked in front of the garages.

After the fatal wound had been caused, blood collected between outside surface of his heart and the pericardial sac so as to compress the heart so that it could no longer pump – the mechanism is called cardiac tamponade. He was taken into emergency surgery but without success, the surgeon found a significant quantity of blood within the pericardial sac and he was pronounced dead at 11.51pm; just two and a half hours after the dispute over the bucket at Rossi's ices.

Three knives were found in the alley afterwards but in the expert pathologist's opinion none of them is likely to have caused the fatal wound and I cannot be sure which of you used them and when. I am sure that the murder weapon was removed from the scene either in the hands of one of you four defendants when this dreadful episode of violence was broken up by neighbours and relatives including your father, or it was taken away during it, perhaps with the assistance of your other family members.

While you were being corralled into your back yard your still-naked aggression was evident; When Aftab Khan shouted out that you had used knives, you Naser admitted "So what if we have?" You were also heard saying "We've done 'em, we've done 'em." Amir was shouting the

same thing. When one of your cousins Imran Khan told you Tariq, "You're gonna get it" you moved towards him saying, "Come on then" and Amjid also said to him, "Come on, come on, you bastards."

I have received and read a number of impact statements. Their contents are unsurprising. Nothing will re-wind history and bring Sarfraz Khan back to life. Nothing I can do will blot out what you have each done or propitiate the deep grief being suffered by his parents, sisters, brothers, children and friends. However, the law must take its course. From today on your own family will suffer the loss of your company and those of you with children will be deprived of their free company. I have listened with care to all that has been said very ably on your behalves. I have read the letters written by your wives Tariq Mahmood and Amjid Ali. The sentences I have to pass represent a catastrophe for many people. But the calamity that has befallen your family is of your making.

Mohammed Nasar you are 32 years old and you have four children with Nazia, Sarfraz Khan's sister. You have a number of previous convictions for public disorder offences and minor violence.

Tariq Mahmood you are aged 26 years with a previous conviction for affray in June 2010. You are married with three children.

Amjid Ali you are aged 39 and you did not live in Cecil Avenue but elsewhere with you wife who has had a child since you were remanded into custody on these charges. You have a number of previous convictions for violence and public disorder. You told the jury they were generally acquired when you had disputes with other ice cream vendors and it came to a fistfight.

Amir Ali you are 20 years of age and of previous good character. I have not had the advantage of assessing you in the witness box as you have not given evidence. I decide in your favour that you are the less argumentative or aggressive of your brothers; because of your good character, the fact that at the factory you came out with some of the prosecution witnesses, demonstrating no particular animus towards any of them at that time.

I am bound to follow the guidance provided by the Sentencing Council and the Criminal Justice Act 2003.

I must have regard to the principle of totality which comprises two elements. Firstly, as I am sentencing for more than a single offence, I must pass a total sentence which reflects all the offending behaviour before the court and which is just and proportionate. This is so whether the sentences are structured as concurrent or consecutive. Therefore, concurrent sentences will ordinarily be longer than a single sentence for a single offence. Secondly, it is usually impossible to arrive at a just and proportionate sentence for multiple offending simply by adding together notional single sentences. I must address the offending behaviour, together with the factors personal to the offender as a whole. I make it clear that I have reduced the ultimate sentences substantially to mark the totality of the offending but except where I have to pass life sentences I have made sentences consecutive to mark the fact that a number of individuals were stabbed.

Count 1, wounding with intent which carries a maximum of life imprisonment is a category 2 offence because it is an example of lesser harm and higher culpability. Mohammed Idris Khan was deliberately slashed with a sharp blade leaving him with permanent scars to his neck and chin which still bleed when disturbed eg when he goes to the barber, he sees them every day and everyone who sees him sees those scars. He also has psychological scars from death of his cousin and feelings that if he had acted differently Sarfraz might still be alive.

Had your slashes Mohammed Naser severed the arteries in the area you aimed for he could have died.

The aggravating features apparent in Count 1 are the use of a weapon, a knife and an intention to cause more harm than you succeeded in inflicting.

Mitigation is limited to the fact that less grave injury was caused than you intended and this is reflected in my categorisation of this offence as a category 2 offence. As this offence was committed by you alone it is necessary it would have resulted in a consecutive sentence had it not been necessary to pass the sentence fixed by law on Count 2. The sentence I would have passed on Mohammed Naser on Count 1 if it had stood alone would have been one of 7 years' imprisonment.

The aggravating features which apply to the convictions arising from Counts 4, 3 and 2 are:

- 1) There was a planned attack, as the number of knives, the preparation of the improvised weapon and the use of one of you as a look-out demonstrate. A degree of pre-meditation is thus self-evident.
- 2) The fact that two (Count 4) and then a group of four men actually engaged in violence against the victims with a number of potentially lethal weapons.
- 3) The use (Counts 3 & 2) of the improvised device for distributing a noxious and disabling powder increasing the danger to the victims who were rendered disabled
- 4) The fact that you decided to launch this attack when it was inevitable that members of the families of your victims would emerge on to the scene, including the father of the man who died.
- 5) In Naser's case the fact that he was the principle offender and the instigator of joint plan.

There is potential aggravation in the previous convictions of Naser, Tariq and Amjid but in the circumstances of this case I do not consider that these should have any impact on the sentence.

Mitigation is limited to a lack of intent to kill and in Amir Ali's case, his age and previous good character.

I do not accept that any mitigation is found in the tension within the family or the words or actions of any victim or prosecution witness which have been described by those representing you, Naser as provocation.

On Count 2, the charge of murder I find that weapons were taken to the scene and one of those weapons, a knife caused the fatal stab wound to Sarfraz Khan. It is impossible to say who carried that knife to the scene but given the verdicts of the jury and the route the jury used to reach those verdicts, I am sure that the participants knew that at least one knife was being carried for use as a weapon and that you Mohammed Naser and you Tariq Mahmood intended that they be used, if the opportunity arose, to cause at least really serious harm. In those circumstances the case of each of you convicted of murder falls clearly within paragraph 5A of schedule 21 CJA 2003.

In light of the way that the prosecution put the case against you I will sentence on the basis that you participated in a knife attack on Sarfraz Khan intending that he be caused really serious harm but I cannot be sure that either of you inflicted any or the fatal wound yourselves. However, as is clear from the summary of the facts set out that I am satisfied that

both of you possessed and used knives yourselves while participating in the wider joint enterprise that night, with the intent necessary for murder and so this is not a case in which it is appropriate to make any reduction in the starting point for the minimum term purely on the basis that you were each convicted as secondary parties. The limited basis for those submissions, the case of GT, TR and SR reported under the lead case of R v Kelly [2011] EWCA Crim 1462 is entirely different to your case.

Manslaughter is a common law offence with a maximum sentence of life imprisonment. There are no sentencing guidelines for involuntary manslaughter, but the court is required to pass a sentence that is commensurate with the seriousness of the offence. I have therefore, to assess your culpability, Amjid Ali and Amir Ali. The Sentencing Council's Overarching Guideline on Seriousness states that where unusually serious harm resulted and was unintended, culpability will be significantly influenced by the extent to which the harm could have been foreseen. Self-evidently, actual harm is at its highest where the victim has died; that fact has to be given greater weight in sentencing in involuntary or unlawful act manslaughter cases, to accord with the legislative intention of section 143(1) of the 2003 Criminal Justice Act which provides that:

*"In considering the seriousness of any offence, the court must consider the offender's culpability in committing the offence and any harm which the offence caused, was intended to cause or might foreseeably have caused."*

Plainly very serious harm ensued from the joint enterprise in which you were engaged. In light of the fact that both of you participated in the joint attack on your cousins knowing that at least one of your brothers was armed with a knife and you intended that some harm be caused to your cousins if the opportunity arose, it is axiomatic that you could foresee serious harm or death even though you did not intend it. This means that your culpability was high. Indeed, your convictions for manslaughter are based on ingredients which bring you close to murder.

Count 4 is a category 2 offence of wounding with intent, again because less harm was done although your culpability, was high. Asad Khan's injury is the least serious but it has left a scar on his face which he sees every day. If I were sentencing Mohammed Naser and Tariq Mahmood for that offence alone the sentence would have been one of 4 years' imprisonment.

Count 3 is a category 1 offence of wounding with intent in which greater harm and higher culpability are present. Aftab Khan was stabbed 6 times and he suffered a punctured lung, he spent several weeks in hospital and he had to have emergency surgery. It is clear that without prompt medical attention the injuries he sustained could have been fatal. His physical strength and endurance have been considerably weakened. It was evident when he gave evidence that his breathing is still not normal. If I were sentencing the two of you for Count 3 alone the sentence would have been one of 14 years' imprisonment.

In relation to the convictions of Amjid Ali and Amir Ali of section 20 unlawful wounding where the maximum sentence is 5 years imprisonment, on counts 4 & 3 the categorisation is the same. The sentences if they stood alone would be on Count 4 Amjid Ali two years imprisonment and Amir Ali eighteen months' imprisonment. On Count 3 for section 20 unlawful wounding the sentences would be Amjid Ali 4 years and Amir Ali 3 years imprisonment.

Finally, the terms will be as short as the law allows me to make them. Each of you will be going to prison for the first time and I do not underestimate the impact of a long term of imprisonment on you as individuals who also have to bear the burden of having killed a man who was once your friend and cousin and then your brother in law.

**Mohammed Naser and Tariq Mahmood stand up please.**

The sentence for murder is fixed by law, there must be a sentence of life imprisonment. I pass that sentence. I must then set a minimum term which must expire before you can be considered for release. Before I tell you the minimum term it is important to emphasise the two features of a life sentence which protect the public. The first is that you will not be automatically released once you complete it and once you are released you will remain on licence for life. Secondly if at any time you re-offend once released the Secretary of State has power to recall you to prison to continue serving your life sentence for such period as may be necessary.

The court must set the minimum term which it considers appropriate, taking into account, amongst other things I have set out above including the aggravating and mitigating features, the seriousness of the combined offence of murder and the three or two related offences you have each been convicted of. The starting point of 25 years imprisonment for murder has to be increased. The sentence for the offence of s.18 wounding Aftab Khan with intent would itself have required a sentence in double figures. You Naser will have a higher minimum term to reflect your wounding of Idris Khan with intent which was separate from the violence in the alley and your leading role.

I have to deduct the period you have spent in custody awaiting trial. In each of your cases that is 291 days.

Mohammed Naser the minimum term you will serve is 30 years and 71 days.

On count 1 the sentence will be 6 years concurrent

On count 3 the sentence will be 10 years concurrent

On count 4 the sentence will be 3 years concurrent

Tariq Mahmood the minimum term you will serve is 27 years and 71 days.

On count 3 the sentence will be 10 years concurrent

On count 4 the sentence will be 3 years concurrent

You may go down.

**Stand up Amjid Ali and Amir Ali.**

Amjid Ali the sentence on Count 2, manslaughter, is one of 18 years imprisonment

For s.20 unlawful wounding on count 3 the sentence is 3 years consecutive

For s.20 unlawful wounding on count 4 the sentence is 18 months consecutive.

A total sentence of 22 ½ years imprisonment.

Amir Ali the sentence on Count 2, manslaughter, is one of 14 years imprisonment

For s.20 unlawful wounding on count 3 the sentence is 2 consecutive

For s.20 unlawful wounding on count 4 the sentence is 12 months consecutive.

A total sentence of 17 years imprisonment.

Both of you will serve half the total term and the time you have spent in custody or on qualifying curfew will count towards the time you have to serve. After you are released you will be on licence until the end of the full term imposed.

You may go down.