

REX

-v-

PIRAN DITTA KHAN

Sentencing Remarks of Mr Justice Hilliard

Leeds Crown Court

10th May 2024

1. On 4th April 2024, the defendant was convicted after a trial of murder, possessing firearms with intent to endanger life and possessing prohibited weapons. On 6th October 2023, he had pleaded guilty to robbery. He must now be sentenced for those offences.
2. The defendant murdered Police Constable Sharon Beshenivsky on 18th November 2005. She was 38 years old when she was shot and killed in the course of her duty in Bradford. She had been a police officer for 9 months by that time and had also served for 18 months as a Police Community Support Officer. She was married to Paul and they had two children, Paul and Lydia. The 18th November was Lydia's fourth birthday. Sharon had an older son from a previous relationship and was step mother to her husband's two children from his previous relationship.
3. The court has heard statements made by Paul Beshenivsky and Lydia Beshenivsky which set out in moving terms the impact of Sharon's murder. The effects are still felt 18 years later by those who loved her and still mourn her loss. More widely, she commands all our admiration and gratitude for her commitment to her duty and the courage she showed in responding to an emergency call from Universal Express, a travel agency and currency remittance office, when she and her colleague had no way of knowing what they would be confronted with when they got there. They were unarmed. Police Constable Sharon Beshenivsky's courage and commitment to her duty cost her her life. The sentence I pass is no measure of the value of the life that has been lost. That is beyond measure and no sentence I pass can put right what you have done.
4. Police Constable Teresa Milburn was also shot. She was 37 years old, married with a son. She displayed exactly the same courage and commitment and deserves exactly the same admiration and gratitude. I also have the effects upon her and her family of these events well in mind. They have been profound.

5. The robbery on 18th May was planned and ruthlessly executed. I am sure that you Mr Khan first had the idea of robbing Universal Express and then explored that possibility with Hassan Razzaq. I am sure that you were the person with knowledge of the premises at Universal. Indeed, you were criticised afterwards by your co-defendants because you had not told them about a nearby police station. You knew that the robbers would have to be smartly dressed to get through the security access area. You had told the robbers that they could expect to get away with anywhere between £50-£100,000. I am sure that there was not a dispute of the kind you alleged between you and the owner of the business. If the owner of the business had taken your money, you and other members of your family would not have continued to use the services of Universal in the way that you did.
6. There is no evidence that you were personally responsible for recruiting the others after you initiated matters with Hassan Razzaq but you went to Morley Street in Bradford five days before the robbery to reconnoitre the premises and to decide where the three vehicles which were to be used would park on the day of the robbery. It is also plain that between you, you and Hassan Razzaq took the decision on 18th November that the attack should go forward when you were satisfied that the coast was sufficiently clear. That decision was communicated to Muzzaker Shah and the Jama brothers who were the three men who then entered the premises shortly after the call from Hassan Razzaq's telephone at 3:20pm.
7. Seven men in all were involved in the robbery. You all met in advance at 99 Harehills Lane in Leeds. To your knowledge, the three men who went into the premises were armed with a sub-machine gun, a pistol and a large knife. You knew that the guns were loaded. As the prosecution submitted, it had evidently been decided that these weapons were needed so as to be absolutely sure of deterring any thoughts of resistance by the people who were likely to be inside the premises. The three men inflicted injury on those inside the premises who were understandably terrified by what went on. The three men were brutal, again so as to quell any possible resistance. All bar one of those inside the shop had their hands tied and threats of death were made. At one point, the sub-machine gun was discharged inside the premises, although the circumstances of that are unclear. The gun then jammed.
8. One of those in the premises managed to activate a covert alarm and so it was that the police attended. Given the nature of the weapons which to your knowledge were carried, it is in my judgment a sure inference in your case that you intended that the weapons should be used to kill if it was necessary to do so to carry out the robbery and to escape with the proceeds. As it happens, the takings had been banked earlier in the day and the robbers only got away with something over £5000.
9. Sharon Beshenivsky had been discussing her daughter's family birthday party with Teresa Milburn when they heard the call for assistance at Universal. So we can say for absolute certain that her thoughts were for her family very shortly before she died.
10. The robbers were aware of the arrival of the police. When the robbers came out of the premises, they saw the two officers on the pavement. One shot was fired at each officer from close range. Teresa Milburn could easily have lost her life too. A third shot was fired to deter others in the vicinity from getting involved. The second and third shots are the result of Counts 3 and 4, possessing firearms with intent to endanger life.

11. All seven of you made your way back to 99 Harehills Lane and then dispersed. You and Hassan Razzaq went to Manchester and then to see Raza Ul Haq Aslam in Halifax, before returning to London. You spent some time in Scotland but on 22nd January 2006, you flew to Pakistan to avoid arrest. I am sure that is why you left the country. You knew that the net was closing around you. Fourteen years later, in January 2020, you were arrested in Northern Pakistan by officers of the Pakistan Federal Investigation Agency and extradited to this country on 12th April 2023.
12. It is sometimes said that the file in a case of murder is never closed. This case demonstrates that. The police here in West Yorkshire stuck to their task and never gave up. Diligent, painstaking and exemplary police work continued, out of the public eye and unknown to you. I commend them all for it.
13. You were 57 years old at the time of the robbery. The effect of your departure from this country was that you had the rest of your fifties and all of your sixties at liberty when you should have spent those years in custody. That was a considerable advantage that you obtained for yourself and it has a bearing on my approach to the fact that you are now being sentenced at the age of 75 with a number of almost inevitable health conditions. If you had been sentenced in 2006, you would still be serving any minimum term which would have been specified in your case as part of a sentence of imprisonment for life, and there would have been a large part left to run.
14. There is only one sentence for murder and that is a sentence of imprisonment for life. I have to decide whether your case justifies a whole life order or whether to set a minimum term which an offender has to serve before they could be considered for release on parole licence. As you must know, the practical effect for you in this case is the same. I am grateful to counsel on both sides for the assistance they have given me. No pre-sentence report was asked for and I am satisfied that no such report is necessary for any purpose in this case.
15. Parliament has provided in paragraph 2 to Schedule 21 to the Sentencing Act 2020 that the murder of a police officer in the course of their duty committed after 13th April 2015 will normally be of such exceptionally high seriousness that it will attract a whole life order, in other words no minimum term will be set and the perpetrator will never be eligible for release. The relevance of the date is that it is the date when an amendment introduced by the Criminal Justice and Courts Act 2015 came into force. The amendment was to a previous version of Schedule 21, and its effect was that if committed on 14th April 2015 or after, the murder of a police officer on duty was normally to be regarded as being of exceptionally high seriousness.
16. Parliament has provided in paragraph 3 of Schedule 21 that the murder of a police officer in the course of their duty committed on or before 13th April 2015, if not falling within paragraph 2, will normally attract a 30 year starting point for the minimum term. Significantly, a murder involving the use of a firearm will also normally attract a starting point of 30 years, as will a murder done in the furtherance of robbery. This was of course the murder of a police officer with a firearm in the furtherance of robbery. All three elements are satisfied. The 30 year starting point is for cases where the seriousness is particularly high.

17. I am going to specify a minimum term in your case. Minimum terms were set in the cases of the other men convicted of this murder and I think that your case should be treated in the same way in this respect. I have given the matter the most careful consideration but I cannot be sure that your case is significantly more serious than theirs, acknowledging as I must that there are some aspects of responsibility here which will never be known when comparing one individual with another. That is not always the case, but it is here.
18. By section 322(2) of the Sentencing Act 2020, when a minimum term is specified, it must be for such a period as I consider appropriate, taking account of the seriousness of the offence of murder and the other offences. In considering the seriousness, I must have regard to the general principles set out in Schedule 21 to the Sentencing Act 2020. There is nothing mechanical or arithmetical about this process. It requires an exercise of judgment.
19. I take a starting point of 30 years which then has to be increased because for any one factor in paragraph 3 which justifies a 30 year starting point, there are then two more. In addition, two loaded firearms, one of them a sub-machine gun, and a knife were taken to the scene. There was substantial planning. As well as the fatal shot to PC Beshenivsky, another shot was fired at PC Milburn which struck her. A third shot was fired to deter others from getting involved as the robbers ran off.
20. The judge in 2006 arrived at a figure of 40 years for Muzzaker Shah and Yusuf Jama. He reduced that to 35 years in the case of Muzzaker Shah because he had pleaded guilty and to 35 years in the case of Yusuf Jama because he had been 19 years old when he committed the offence. When Mustaf Jama was sentenced in 2009 after his trial, the judge imposed the same minimum term of 35 years. He had to be brought back from Somalia where he had gone in the hope of escaping justice.
21. Because this murder was committed in 2005, and because minimum terms were set for the other murderers, I shall adopt the same approach as was taken in 2006 and 2009. 30 years is the starting point. Because of the aggravating factors I have mentioned, 40 years is an appropriate figure before considering any features which might reduce that term. I shall consider the relevance of your flight from justice at a later stage so as to avoid any double counting.
22. There are two factors in your case which require consideration. The first is the fact that you did not yourself enter the premises of Universal when armed with a weapon. However, I am sure that you were the first to conceive of this robbery and that you then set it in train with Hassan Razzaq. You carried out the reconnaissance with Razzaq on 13th November. It is clear from the jury's verdicts that you knew that two firearms and ammunition were to be taken to the scene and were to be used if necessary. I am sure you must have known about the knife too. Immediately before you all left 99 Harehills Lane on the day of the robbery, you told the others about what they might expect to get, to their evident delight. You actually went in a vehicle to the vicinity of Universal, and I am satisfied that you were jointly responsible with Hassan Razzaq for giving the signal to your three confederates at 3:20pm that the robbery should now go ahead. A little earlier, the two of you had shown them where to park. You said in evidence that these men looked like gangsters. These were the people to whom you gave the go ahead

whilst they were in possession of truly fearsome weapons, you and they sharing the intention for murder.

23. As was said by the Court of Appeal in *Sanchez* [2008] EWCA Crim 2936, the approach of a court to a sentence of life imprisonment for murder is governed by the provisions of Schedule 21 whether the offender is a principal or a secondary offender. The court said that although the culpability of the secondary party may in many cases be less than that of the principal, the sentences must be viewed proportionately in the light of the policy of the law that someone who encourages or assists with the commission of murder is to be dealt with as a murderer. See too *Lovell* [2018] EWCA Crim 19 where the court said that the fact that an offender was a secondary party did not carry great weight in a crime where he was a full and willing participant in a joint enterprise.
24. In all the circumstances here, and I have the advantage of having heard the evidence in the trial over many weeks, I am satisfied that no reduction should be made for the fact that you were a secondary party rather than a principal offender. This crime was planned well in advance. This was very far from a case of spontaneous violence where a secondary party is caught up at a late stage with a principal who commits murder. You were in this planned enterprise together with the three robbers, albeit playing different parts, and you were jointly responsible for the harm caused. The four of you shared a murderous intent. You set off the whole chain of events. I have well in mind the point that was made on your behalf during the trial about the absence of telephone contact between you and your co-defendants apart from Hassan Razzaq, save for one call with Muzzaker Shah which you had on the morning of the reconnaissance trip; and you were not, for example, the connection to the safehouse at 99 Harehills Lane and you were not the link to Shah and the Jama brothers. You did not do all of the planning. But you were involved in enough of it, along with other factors, to justify an increase from the starting point in your case to a term of 40 years, subject to the final matter I now turn to. I do not understand Mr Wright KC to disagree with my conclusion thus far.
25. The other factor which I must consider is the combination of your age and health. I have a prison medical report which explains that you have diabetes, high blood pressure, back trouble and back pain and nerve pain along one leg, all of which affects your mobility, and a Basal Cell Carcinoma lesion on your back which is unlikely to be a problem once it is removed. Your physical conditions will make custody harder to serve. I have had regard to cases about ill-health such as *Bernard* [1997] 1 Cr App R (S) 135 and *Qazi and Hussain* [2010] EWCA Crim 2579.
26. And you are now 75 years of age. I have very much in mind the practical consequences for you of the sentence I must pass today. You will inevitably spend the remainder of your life in custody. But that is the consequence of sentencing a man of your age for a crime of this particular gravity. As Lady Justice Hallett said in *Symmons* [2009] EWCA Crim 1304, referring to the facts of that case, “The inevitable consequence of a 62 year old man’s committing a murder, for which the agreed starting point is a minimum term of 15 years’ imprisonment to serve is that he is going to grow old if not die in prison. His age, therefore, cannot be determinative of the finishing point; it is but one factor to be borne in mind as part of the sentencing process.” It would not be right in this case, given its gravity, to make an allowance of the sort of magnitude which would be required before it could make any practical difference to you.

27. You are responsible for the fact that you are being sentenced at the age of 75 and not at a younger age. You have had your younger and healthier years at liberty because you chose to leave the country to escape justice when you feared you were about to be arrested. I will make an allowance for your age and health because Schedule 21 provides that the court is to take account of mitigating features, but it cannot be an allowance that will make any practical difference. That is because I then have also to consider the aggravating factor which is that you left the country to escape from justice and to remain at liberty, and are only being sentenced at an advanced age for that reason. You had the benefit of your liberty for a number of years when you should not have done. I have not factored this feature in until this stage so as to avoid any double-counting. This is not a case where you returned to this country of your own volition. In my judgment, the fact of your age and health is completely offset by the aggravating factor of your departure from this country and the years you spent abroad. That conclusion applies to all the counts for which you have to be sentenced.
28. All the days you have spent in custody whilst awaiting extradition and whilst on remand in this country awaiting trial and sentence will reduce the minimum term for murder as I shall explain.
29. I specify those days as 1184 whilst awaiting extradition and 394 days whilst on remand in custody in this country.
30. It is conceded on your behalf, notwithstanding your age and health, that I am entitled to proceed on the basis that if at liberty you would pose a significant risk of serious harm to members of the public from the commission by you of further specified offences of violence. I am satisfied that that is a safe conclusion to draw from everything I know about you, your history, your previous convictions and the facts of the present offences. You have already shown how dangerous a secondary party can be. I am also satisfied that each of the offences in Counts 2, 3 and 4 is serious enough to justify a sentence of life imprisonment. Accordingly, that is the sentence that must be passed by virtue of Section 285 of the Sentencing Act 2020. All the sentences will run concurrently.
31. So far as the robbery offence is concerned, it is agreed that this would be a Category A1 offence of the applicable sentencing guidelines with a starting point of 16 years' imprisonment and a range extending up to 20 years' imprisonment. You have previous convictions for offences of violence, albeit not grave ones. The number of culpability factors easily take this case to the top of the range. I shall give you 25% credit for your guilty plea. That is more than fair because the basis of your plea was evidently untrue.
32. Counts 3 and 4 are Category A1 offences with a starting point of 18 years' imprisonment and a range extending up to 22 years' imprisonment. Each offence easily merits a sentence at the top of the range.
33. Counts 5 and 6 are Type 1 weapons, high culpability, and the overall culpability is A. The harm is Category 1. The offences have a starting point of 8 years' imprisonment and a range of 7 to 10 years' imprisonment. It is agreed on all sides that I should sentence you in accordance with present day guidelines. Again, each offence comfortably merits a sentence at the top of the range.

34. Piran Ditta Khan, for the murder of Sharon Beshenivsky, the sentence is one of imprisonment for life. The minimum term would be 40 years but for the 1578 days I have already referred to and which I shall deduct. That results in a minimum term of 35 years and 247 days, taking account of the seriousness of the offence.
On Count 2, robbery, the sentence is one of imprisonment for life, with a minimum term of 10 years' imprisonment.
On Count 3, possession of a firearm with intent to endanger life, the sentence is one of imprisonment for life, with a minimum term of 14 years and 8 months' imprisonment.
On Count 4, possession of a firearm with intent to endanger life, the sentence is one of imprisonment for life, with a minimum term of 14 years and 8 months' imprisonment.
On Count 5, possession of a prohibited weapon, the sentence is one of 10 years' imprisonment.
On Count 6, possession of a prohibited weapon, the sentence is one of 10 years' imprisonment.
35. The periods to be served in Counts 2, 3, 4, 5 and 6 will be reduced by the 1184 days spent awaiting extradition and the 394 days spent on remand will be deducted automatically.