

IN THE CROWN COURT SITTING AT LEICESTER  
B E T W E E N:

THE KING

and

D1

and

D2

SENTENCING REMARKS

It is now the time for me to tell you what is going to happen to you for the things which the jury found you guilty of at the end of your trial. What I have to say is mainly to you rather than to the lawyers or the adults who are listening to this so I am not going to use complicated language.

Because of how old you are, no one is allowed to report your names so I will refer to you as D1 and D2.

D1, you are a 15 year old boy. You were 14, but nearly 15, at the time of the incident.

D2, you are a 13 year old girl. You were 12 at the time of the incident.

In each of your cases, the jury found that you had committed manslaughter.

There are still some questions about what happened which the jury did not have to decide and it is now my job to answer them.

I will decide them in your favour; unless I am sure that what the prosecution say is right.

But before I come to deal with you, I will pay tribute to the dignity with which members of Mr Kohli's family have conducted themselves throughout this trial. No one could fail to be deeply moved by what his daughter, in court, and his grandson, in his written statement, have said on behalf of themselves and all the other members of his family. Their grief and anger will cast a long shadow over their lives.

I am now going to turn to what you did.

On 1 September last year, Bhim Kohli was walking his dog in Franklin Park in Braunstone. He lived nearby in Bramble Way.

He was 80 years old. He was slim and active but fragile and he looked his age.

You were both in the park that late afternoon with three other friends.

When Mr Kohli came into view you, D1, put on a balaclava you had with you and walked over to him.

I am sure that D2 pointed him out to you, D1, as someone who, she said, had on an earlier occasion threatened another boy, who you both know, with a stick.

I am also sure that you wore your balaclava to make yourself look frightening and to hide your face so you would not be recognised. Why else would you put the balaclava on before you went over to him and then take it off as you were later leaving the scene?

I am sure D1 that, from the start, you wanted to confront Mr Kohli; mainly because you were showing off to D2. You knew she was watching and that she was likely to take films on her mobile phone.

I am sure that you knocked Mr Kohli to the ground and then hit him to the head with your slider as he was on his knees trying to get up. D2 recorded you doing this. I am sure that Mr Kohli did nothing at all to deserve this.

What you did was wicked.

I am sure, D2, that, at the time, you found this funny. That was why you laughed when it happened.

You, D, attacked him again. This time it was near the exit to the park.

This was worse.

Part of what you did was seen by a woman in the park. She said you used a full force shove. I am sure she was right. You told the jury that you had pushed Mr Kohli because you thought he was going to attack D2 and you were defending her with reasonable force.

They didn't believe you.

I am sure that you were, again, showing off and that you lost your temper. You admitted to many people shortly after the incident that this was more than just a shove. You said that you had intended one hit but then your anger turned in. Mr Kohli said "the boy", referring to you, had punched and kicked him to the side of his chest. I am sure that this is what happened. He had three broken ribs to his left hand side and his neck was broken. I am sure that you punched him, his neck was broken in the fall and that you then repeatedly kicked him hard in the ribs.

It is the combination of the medical evidence, what Mr Kohli said and what you later admitted to which enables me to be sure.

I am also sure that your intention, albeit for a short time when you lost your temper, was to cause Mr Kohli injuries that, although not so serious as to need hospital treatment, were bound to be close.

I am also sure that it ought to have been obvious to you that, whatever you intended, there was a high risk that what you did to an 80 year old man would cause him really serious injury.

I am sure that while this attack was going on you D2 were encouraging it by being so close.

After the attack, you both made off.

You, D1, were boasting to your friends about what you had done and pretending that you had bravely come the rescue of D2. In fact, as you well knew, you had made a cowardly and violent attack on an elderly man.

When I have to decide what sentence I pass on each of you, as I am sure you have been told, I have to look at what are called sentencing guidelines and follow what the Court of Appeal says is the right way to do it. I have also been given some written help about this from the prosecution and from your barristers. I have read all of this very carefully.

I will now look at your cases one after another.

D1, the first thing I have to do is to decide how much you were to blame. This what is called “culpability” in the Sentencing Guideline for Manslaughter. Under the Guideline, I have say whether what you did fell into A, B, C or D. A is the most serious. D is the least serious.

The prosecution say that what you did falls into B which is high culpability. Your barrister says C which is medium. I am sure that from what I said earlier that what you did falls into B.

The Guideline lays down a starting point for the right sentence of 12 years in custody for an adult. The range is 8 to 16 years.

However, I must also look at the Guideline for Sentencing Children and Young People. It says:

- I must take into account your age and also how grown up you are for your age. I consider that, in your case, you were as grown up as one might expect for a 14 year old close to his 15<sup>th</sup> birthday. No more and no less;
- Where children are involved, it is particularly important for me to bear in mind everything I know about them and to go outside the range laid down in the Manslaughter Guidelines where it is right to do so. I must, and do, take into account what I am told about you in the pre-sentence reports prepared by the Youth Justice Service.
- Custodial sentences are a last resort for children and it is particularly rare for a sentence of custody to be passed on someone aged 14 or under.
- The Guideline says, as a rough guide, that the court may feel it appropriate to apply a sentence broadly within the region of half

to two thirds of the adult sentence for those aged 15 to 17 and allow a greater reduction for those aged under 15. However, I must not go straight to this part of the guidance before first considering all this other matters which it deals with.

Having said what the starting point is, I must go on to consider the aggravating and mitigating features. In other words things that make your case worse for you and things that make it better.

Turning first to the aggravating factors.

- (i) I am sure, despite your denials, from what Mr Kohli later said to his daughter Susan and to the paramedic, that during the course of the attack you called Mr Kohli a Paki. However, there is no evidence from what was later found on your mobile phone that you held general racist views and I do not find that you attacked Mr Kohli because of his race. It was a lazy but very hurtful insult;
- (ii) Mr Kohli was in very severe pain from his broken neck. No one who heard them on the police body worn footage will forget his cries of agony;
- (iii) Mr Kohli was vulnerable because of his age (although I bear in mind that his age was a factor which I took into account when deciding how blameworthy what you did was);
- (iv) You decided in advance that you would be hostile to Mr Kohli – that’s why you put your balaclava on;
- (v) What you did to Mr Kohli was not one single attack which you immediately regretted but was in two separate violent outbursts;
- (vi) You used a slider as a weapon (but I bear in mind, having seen and held it, that it was a flimsy item which, when used, was more humiliating than dangerous);
- (vii) As between you and D2, you took the lead, in her presence, playing up to her and to the camera on her mobile phone.

Turning now to the mitigating factors:

- (i) You have no previous convictions;
- (ii) Despite some earlier bad reports about your behaviour in the children's home, more recently you are said to have behaved positively and well. You have applied yourself to your studies and been helpful to the other children;
- (iii) You have issues with your mental health which are set out in detail in the pre-sentence report and which I have read;
- (iv) Your life at home has not given you the best start. Your mother has supported you but there have been many issues which are again detailed in the pre-sentence report and which I have fully considered.

I am unable to give much weight to what is said about your remorse. I am sure you regret that Mr Kohli died because of what you did to him but you still say that it wasn't your fault.

It *was* your fault and the sooner you realise this the better.

Had you been an adult, even concentrating, as I must, on your personal circumstances, the balance of aggravating and mitigating features would have resulted in an increase from the starting point to 14 years custody.

I reduce this to 7 years to reflect your age and level of maturity. You will get credit for the time you have already spent in custody.

This is one of those rare cases in which long term detention is the only way to deal with you. A community order would not begin to reflect the seriousness of what you did.

I now turn to D2.

I have to consider the same Guidelines as I did with D1.

In your case, I consider that your offending fell into the medium category of culpability. You intended that Mr Kohli should suffer some

harm but not that D1 should attack him with the force which he used near the exit to the park.

You continued to film what happened after Mr Kohli had been forced to the ground and humiliated. It was obvious to you that if you stayed around and continued to film then D1 was liable to cause Mr Kohli at least some further harm and that you would be encouraging him to do that.

I am not, however, sure that you expected D1 to attack Mr Kohli with anything like the level of violence that he did when he lost his temper and punched and kicked him.

You did not play the leading role in the incident but yours was not a minor part.

With respect to aggravating features:

- (i) I refer again to the severe pain caused to Mr Kohli caused by his injuries;
- (ii) Mr Kohli was a vulnerable elderly man which must have been obvious to you, even at your age;
- (iii) You actively encouraged D1 to carry on by filming him and remaining close at hand after his first humiliating attack.

Although what you did was very serious, in some important ways it was not as serious as D1.

You did not at any stage hurt Mr Kohli directly and you did not foresee the violence of the attack which D1 carried out on him at the end.

I do not find that your involvement was because of Mr Kohli's race the evidence about this was limited to D1.

In mitigation, I have taken into account everything set out in the pre-sentence report and what has been said and written on your behalf by your barristers and it can be said:

- (i) You have no previous convictions;
- (ii) You have had a troubled upbringing;

- (iii) People who know who you are and what you did have given you a very hard time;
- (iv) You are assessed as presenting a low risk of committing further offences;
- (v) You have committed no further offences while on bail for this offence.

Had you been an adult, the starting point under the Manslaughter Guideline would have been 8 years.

However, under the Guideline for Sentencing Children and Young People your age, maturity and personal circumstances must be given very close attention.

You were only 12 at the time of the incident and considerably younger than D1. The broad guidance is that a sentence of less than half of that appropriate for an adult would be appropriate in your case.

Bearing in mind that a custodial sentence would be short but liable to have a very severe impact on your education and chances of rehabilitation. I am satisfied that a short custodial sentence would do more harm than good.

In your case, I consider that a Youth Rehabilitation Order of three years is required with a supervision requirement of three years.

You will have to do a 60 day activity requirement which will include community work.

You will be the subject of an electronically monitored curfew between 7pm and 7am for a period of 6 months.

If you do not follow any of these requirements you are liable to be brought back to the Crown Court to be dealt with.

The Honourable Mr Justice Turner

5<sup>th</sup> June 2025