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IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT LEICESTER
HIS HONOUR JUDGE SPENCER KC
T20227026 / T20227059 / T20227027 / T202302891

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/10/2025

Before :

LORD JUSTICE WARBY
MR JUSTICE LAVENDER
and
HER HONOUR JUDGE de BERTODANO

- -

Between :

REX

- and -

MAHEK BUKHARI & Ors

- -

Christopher Millington KC (instructed by **Murria Solicitors**) for **Mahek Bukhari**
Rajiv Menon KC and C Jutla (instructed by **M & M Solicitors**) for **Ameer Jamal**
Balraj Bhatia KC and Sukhdev Garcha (instructed by **Sahota & Sahota**) for **Sanaf Gulammustafa**
Balraj Bhatia KC and Arif Hanif (instructed by **Hanif and Co**) for **Natasha Akhtar**
Collingwood Thompson KC and Daren Samat (instructed by **Crown Prosecution Service**) for the **Crown**

Hearing date: 17 October 2025

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Approved Judgment

This judgment was handed down remotely at 10.30am on 24 October 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

LORD JUSTICE WARBY :

1. Between June and August 2023, in the Crown Court at Leicester, eight defendants were re-tried before HHJ Spencer KC and a jury on an indictment accusing them of the murder or alternatively the manslaughter of Saqib Hussain and Mohammed Hashim Ijazuddin. On 4 August 2023, the jury convicted four of the defendants of murder. They were Ansreen Bukhari, her daughter Mahek Bukhari, Raees Jamal, and Rekan Karwan. Three defendants, Ameer Jamal (cousin of Raees), Sanaf Gulammustafa, and Natasha Akhtar, were convicted of manslaughter. The eighth defendant, Mohammed Patel, was acquitted.

2. On 1 September 2023 the judge passed sentence. For the murders he passed the mandatory sentence of life imprisonment, specifying the following as minimum terms, less days spent on remand in custody: for Raees Jamal, 31 years; for Karwan, 26 years 10 months; for Ansreen Bukhari, 26 years and 9 months; and for Mahek Bukhari, 31 years and 8 months. For manslaughter, Ameer Jamal and Gulammustafa were each sentenced to 15 years' imprisonment, and Akhtar was sentenced to 12 years' imprisonment, less credit for time on qualifying curfew in each case.

3. Applications for leave to appeal against conviction were made by Raees Jamal, Mahek Bukhari, Ansreen Bukhari, Ameer Jamal, Gulammustafa, and Akhtar. All were refused by the single judge. Raees Jamal and Mahek Bukhari did not renew their applications. Ansreen did, but then formally abandoned it in writing the day before the hearing in this court. The remaining three all renew their applications for leave to appeal against conviction for manslaughter. As to sentence, Mahek Bukhari appeals with the leave of the single judge against the minimum term imposed in her case; Akhtar appeals with leave against her sentence of 12 years; and Ameer Jamal and Gulammustafa both renew their applications for leave to appeal.

4. For simplicity we shall describe each of the four individuals with live applications as an appellant.

The background

5. The deceased, to whom we shall refer as Saqib and Hashim, died in a car crash in the early hours of 11 February 2022. They were travelling in a Skoda Fabia car along the A46 dual carriageway. Hashim was driving, with Saqib in the passenger seat. At about 1:28am Saqib made a 999 call. The transcript includes him saying,

> "... I'm being followed by two vehicles. ... They're trying to block me in. ... There's guys following me, they've got balaclavas on and they're trying to kill me .... they're trying to ram me off the road ... They've hit into the back of the car. Very fast! They're trying to ram us off the road please I'm begging you, I'm gonna die, I think I'm gonna die".

Screams were then heard and at 1:33am the call disconnected. The car left the carriageway, hit and crossed the central reservation barrier, collided with a tree, and burst into flames. Saqib and Hashim died instantly from multiple injuries sustained on impact, before the fire had taken hold. Each was 21 years old at the time of his death.

6. Investigation revealed that two other vehicles, an Audi TT and a Seat Leon, had been close to the Skoda at the time. The eight defendants had all been in the cars: the Bukharis and Patel were in the Audi, which was driven by Karwan. The other appellants were in the Seat, which was driven by Raees Jamal. The prosecution case at trial was, in summary, that the Audi and the Leon had engaged in a co-ordinated high-speed pursuit of the Skoda which culminated in the Leon ramming it from behind and causing the crash. It was alleged that these were events that all the defendants had agreed should happen, intending the occupants of the Skoda to be caused at least really serious harm. The background, as presented by the prosecution, was this.

7. For some years up to January 2022, Saqib and Ansreen Bukhari, who was married, had been in a sexual relationship. When she ended it, Saqib was unable to accept her decision. He wanted the return of £3,000 he claimed to have spent on her. He had three sexually explicit videos and images of her in his possession and was blackmailing her by threatening to reveal the relationship and the images. Prompted by these matters Mahek Bukhari formed a plan reflected in a message she sent on 4 January 2022 that read "I'll soon get him jumped by guys and he won't know what day it is". By early February 2022, the defendants had all become party to an agreement that Saqib should be attacked. A plan was formed to lure him to a meeting in a Tesco carpark in Leicester, on the promise that he would be given his money back. The two vehicles would be there, with the eight individuals in them. The aim was to obtain the phone and delete the photos and to give Saqib "a good hiding".

8. The two vehicles went to the carpark, six of their occupants in possession of face coverings in the form of balaclavas or masks. Saqib arrived with his friend Hashim, who was the owner of the Skoda. Hashim's role in these events was simply to give his friend a lift. There were calls between Mahek and Saqib and, in the event, Saqib and Hashim drove away from the carpark without stopping, possibly realising they had been set up. The defendants followed in the Audi and the Seat. They were communicating with one another via a phone line between the two cars that remained open for 14 minutes. The prosecution invited the inference that the phones were being used to co-ordinate the defendants' movements in pursuit of a different plan, to ram the Skoda off the road, which was then executed with fatal results. A salient feature of the prosecution case was a 3-minute call from Ansreen's phone to the phone of Hashim, which began at 1.24am and ended at 1:27am, less than a minute before the 999 call. The prosecution case was that this was a call from Mahek to Saqib, of a threatening nature.

9. To prove the case the prosecution relied on a combination of direct and circumstantial evidence. The main strands were: (1) evidence of the relationship between Ansreen and Saqib and messages he had sent her after the break-up; (2) messages Mahek had sent in January 2022 that indicated a desire for retribution; (3) a sequence of events compiled from call data, messages, emails, telematics, ANPR and CCTV; (4) Saqib's 999 call; (5) the evidence of a forensic collision investigator. The investigator said, in summary, that the most likely cause of the crash was some external influence such as collision with another vehicle; that the cars had been travelling at speeds well beyond the limit - up to 89mph in the case of the Skoda and 97mph in the case of the Audi; and the evidence indicated the likely collision was between the front of the Seat Leon and the rear of the Skoda before the Skoda went out of control and hit the tree. In addition, reliance was placed on DNA evidence from a forensic scientist, and evidence of what

were said to be weapons in the two cars: a wheel brace and a curved pointed metal tool; and prison calls. None of the defendants called for help. They put forward innocent accounts which, the prosecution said, were concocted in an attempt to avoid responsibility.

10. Having thus set out the essential background we can turn to the first of the appeals and applications now before the court.

Murder: sentence

11. Mahek Bukhari was 22 at the time of the offending and 24 at the time of sentence. She had no previous convictions or cautions. She was a social media influencer. Her mother had accompanied her to social events which led to the mother meeting young men, including Saqib.

12. The judge began his sentencing remarks with these words.

> "The prosecution categorised this case as a story of love, obsession, and extortion; and in that they were right. They were also right in categorising this case as one of cold-blooded murder. TikTok and Instagram lie at the heart of this case; you, Mahek Bukhari, being an influencer on both platforms. That was the reason you, Mahek Bukhari, dropped out of university. Had you not done so, you would now have been a young graduate with your whole life in front of you. But now you consign yourself to prison for all of your best years."

13. The judge went on to say that Ansreen's head had been turned by the perceived glamour of the world of influencers. Plainly, the judge assessed Mahek's role as a central and pivotal one. He accepted, however, that she was immature beyond the norm for her age.

14. The judge's approach to setting the minimum term in her case can be summarised as follows. The case being one of double murder, the starting point was one of 30 years. There were six aggravating factors: (1) a significant degree of planning, which had gone on for some weeks; (2) it was a group attack in which Mahek played a leading and prominent role; (3) the events had involved masks weapons and a co-ordinated pursuit; (4) there had been direct threats of harm by Mahek to Saqib, part-way through that pursuit; (5) she had failed to summon assistance; and (6) she had deliberately decided to provide a false PIN Number for her phone which led to its contents being deleted. Those factors increased the starting point to one of 36 years. There were three mitigating factors (1) the absence of an intention to kill; (2) the appellant's youth and lack of maturity; and (3) her previous good character. Those brought the minimum term down to 32 years. From that figure the judge deducted 4 months to reflect time spent on qualifying curfew. He identified the further period to be deducted to reflect time spent on remand as 332 days. The net minimum term was not stated.

15. The single judge gave leave to appeal against the minimum term as disproportionate for what come down to four main reasons: that the judge (1) wrongly attached weight to the appellant's career as a social media influencer; (2) wrongly disregarded the background of Saqib's provocative behaviour, blackmail and threats; (3) failed to take

proper account of the appellant's youth and immaturity; and (4) struck an unfair balance between the aggravating and mitigating factors in the case.

16. In support of these grounds, Mr Millington KC made the following points. The judge's reliance on planning was overstated. The fact that the offender was provoked is a statutory mitigating factor, identified in paragraph 10(d) of Schedule 21 to the Sentencing Act 2020. Paragraph 10(e) identifies as a mitigating factor the fact that the offender acted to any extent in fear of violence. Yet the judge allowed no discount for the blackmail and other reprehensible behaviour of Saqib, which included threats to come with mates to confront Ansreen and Mahek that night. The minimum term applied to this appellant was far longer than those identified in relation to Ansreen and Rekan Karwan, although the aggravating factors in their cases were the same and Ansreen lacked the mitigating factors of youth and immaturity.

17. We have reflected on these points, and on the bundle of additional documents with which we were shortly provided before the hearing, which are relied on as underscoring the mitigation that was before the judge.

18. The judge identified the correct starting point. The murder of two or more persons by an offender aged 18 or over at the time of the offence is "normally" treated as an offence of "particularly high" seriousness for which the appropriate starting point in determining the minimum term is 30 years (paragraph 3(2)(f) of Schedule 21). The judge was plainly entitled to conclude that this appellant's culpability was greater than that of other defendants because she played a leading role in this group offending, but we do find it hard to see that the appellant's role as a social media influencer added anything to that point. The judge correctly identified the other aggravating factors of this appellant's case. However, in our judgment he placed excessive weight upon the first of those factors. The evidence certainly justified a finding of considerable planning but not that the appellant had been planning what happened in the event. That was a new and markedly riskier plan which was developed a short while before the deaths occurred.

19. So far as the mitigating factors are concerned, we think it important to note that the statutory list identifies matters that "may be relevant". The sentencing exercise requires the application of judgment to the facts of a given case. Assuming, without deciding, that blackmail can in principle mitigate culpability we are not persuaded that the judge was obliged to find that it did so in the case of this appellant. She was not the target of the blackmail. Her response was of a different nature to the blackmail threat and disproportionate to that threat. Her plan to have Saqib "jumped" was formed well before the threats of violence relied on, which were mainly implicit. We find it hard to see any real link between any of Saqib's behaviour and the events on the A46 that led to his death. At any rate, we do not think that, on the facts of this case, either of the points relied on could ever have had any great force.

20. We do however agree that this appellant's youth and her acknowledged immaturity were given far too little weight. Those factors are nowadays recognised as highly material when sentencing adults below 25 years of age. They ought to have exerted a substantial downward pressure on the minimum term in the case of this offender, an immature 22-year-old at the time of the offences. For these reasons we are satisfied that the judge struck the wrong balance between the relevant factors. His decision to uplift from the starting point was unjustified. He undervalued the mitigation. In all the

circumstances the overall balance, struck properly, takes the case below the statutory starting point.

21. We therefore quash the minimum term and substitute one of 28 years, less 4 months to reflect time spent on qualifying curfew. From the resulting period of 27 years and 8 months there must also be deducted the 332 days spent on remand in custody. By our calculations that yields a term of 26 years and 285 days. Those conclusions deal fully with any question of disparity.

Manslaughter: conviction

22. We turn to the renewed applications of Jamal, Gulammustafa, and Akhtar for leave to appeal against conviction. For this purpose we need to identify some additional matters of background.

Further background

23. At the close of the prosecution evidence, submissions of no case to answer were made on behalf of all these appellants. The applications were refused by the judge. He ruled that it would be open to a jury to infer that the defendants were all voluntarily present in the pursuing cars and, in the light of all the evidence, that endeavours to block off and/or ram the Skoda were being discussed between the various occupants of both vehicles and further, that all occupants of those two vehicles were both aware of and encouraging such driving. These appellants then gave evidence, which included evidence that during the car chase they were shouting at Raees Jamal to stop.

24. After extensive argument as to the law and the appropriate directions the case was left to the jury on the basis that the first set of issues related to Raees Jamal, who was the alleged principal. He would be guilty of murder if, and only if, he had deliberately used the Seat Leon to ram the Skoda Fabia off the road causing the deaths of the victims and, at the time he did so, he intended to kill or cause really serious harm. Directions were given as to the circumstances in which the remaining defendants could be guilty of murder, as secondary parties.

25. In relation to manslaughter, the jury were directed that a person commits manslaughter if by a deliberate and unlawful act he causes the death of another and (i) at the time he intended to cause some bodily harm or (ii) the act was one which all sober and reasonable people would realise must subject the victim to the risk of some harm. The defendants other than Raees Jamal could only be guilty of manslaughter if Jamal was convicted of murder or manslaughter. The route to verdict proceeded as follows:-

> Q 8-10 only apply if you have found RAEES JAMAL guilty of murder or manslaughter as a principal. If he is guilty of murder or manslaughter as a principal, a different defendant may be guilty of manslaughter as a secondary party.
>
> Are we sure;
>
> 8 ..actively participated in a joint or common plan to cause some injury to Saqib Hussain/Mohammed Hashim Ijazuddin or to expose them to an obvious risk of harm OR actively and intentionally assisted or encouraged RAEES JAMAL in such a plan ?
>
> If NO, verdict is NOT GUILTY

> If YES, go to Q 9
>
> 9 that death being caused by the Skoda leaving the road was not an overwhelming supervening act that nobody in …'s position could have contemplated might happen?
>
> If NO, verdict is NOT GUILTY
>
> If YES, go to Q
>
> 10 …that at the time of that participation, assistance, encouragement he/she intended to cause Saqib Hussain/Mohammed Hashim Ijazuddin some harm OR the act which caused death was one which all sober and reasonable people would realise must subject the victim to the risk of some harm (albeit not really serious harm).
>
> If NO, verdict is NOT GUILTY
>
> If YES, verdict is GUILTY OF MANSLAUGHTER- count 3 and/or 4

At the hearing of these applications we asked if there had been discussion of the legal significance of the evidence given by these appellants to the effect that they had withdrawn from any joint enterprise. It was explained to us that question 9 was intended to cater for that aspect of their case.

The renewed applications

26. Three grounds of appeal were pleaded. The first was that the judge's route to verdict was wrong in law. Confusingly, and unnecessarily, question 10 provided the jury with three alternate routes to conviction in respect of secondary participation and the unlawful act element of manslaughter when there was only one route, namely the intentional assistance or encouragement of the principal to commit the crime (see *R v Jogee* [2017] AC 387 [89]-[90]). Specifically, the route to verdict allowed the jury to convict of manslaughter on the basis of a common plan to expose the deceased to an obvious risk of harm, even if the jury were not sure of either of the other two options. Further, the route to verdict did not identify the base offence and posed no question at all in respect of the mental element of that offence.

27. The second ground of appeal was that the judge was wrong to dismiss the submissions of no case to answer. These appellants, who were all in the Seat, had given unchallenged evidence that as the car chase unfolded they had called on Raees Jamal to stop what he was doing. The evidence did not allow a finding that they were party to a plan or agreement to cause harm or to expose the deceased to danger, or that they assisted or encouraged Raees Jamal in what he did.

28. Thirdly, it was said that the conviction of these appellants was perverse because it was irreconcilable with the acquittal of Mohammed Patel. The prosecution case against each was the same: that they were knowing participants in the planned ambush, prepared to play their part and use violence. But the evidence against Patel was much stronger. It is impossible to understand how the jury could rationally have convicted the appellant yet acquitted Patel.

29. At the hearing, the argument on the first two grounds was led by Mr Menon KC on behalf of Ameer Jamal. He focussed his attention on ground one. He developed his

arguments about the "base" offence for unlawful act manslaughter. Mr Menon's submissions on grounds one and two were adopted by Mr Bhatia KC on behalf of the other two appellants. Mr Menon did not pursue the third ground of appeal. Mr Bhatia did.

Discussion

30. We have concluded that ground one raises an arguable point that merits a full appeal hearing. Unlawful act manslaughter is a notoriously troublesome area of the law. At the time of this trial the Crown Court Compendium stated (at 19-5 ¶5) that "it is *desirable* for the Crown to specify the offence that it is alleged was the base offence on which the manslaughter charge is constructed". The emphasis here is ours. Counsel have confirmed that it was common ground below that the directions should do so in this case. Since the trial, this court has heard and allowed an appeal against conviction in *R v Grey (Auriol)* [2024] EWCA Crim 487. The 2025 Crown Court Compendium reflects the decision in that case by way of an amendment. Section 19-5 ¶4 now states,

> "It is clear that a crime (sometimes referred to as the 'base offence' on which the manslaughter is constructed) must be committed. It is *vital* that a base crime is identified and proved. A failure to do so will result in an unsafe conviction."

Again, the emphasis is ours.

31. These propositions relate to the commission of the crime by a principal. But, of course, the argument runs that the same reasoning must apply in a case of this kind. A defendant cannot be guilty of manslaughter as a secondary party unless they were party to an agreement to commit, or assisted or encouraged the commission of, a criminal offence. It is not enough to agree to join a plan to commit, or to assist or encourage, conduct that is obviously dangerous.

32. We are not persuaded that either of grounds two and three identifies any arguable basis for an appeal. In agreement with the single judge, we are satisfied that the judge was right to find that there was a case to answer. There was, in the case of each appellant, evidence on the basis of which a jury could find that they became and remained at the material time a party to a joint enterprise to cause at least some harm to the occupants of the Skoda. In the case of Akhtar, for instance, she was in Raees Jamal's company continuously on 10 and 11 February 2022, and made a call from prison to her mother in which she made admissions and said, "We've made up a story and we are going to stick to it." Similarly, when it comes to the other appellants, there was ample evidence, direct and circumstantial, which could make a reasonable jury sure of their secondary participation. As for ground three, there were material distinctions between the cases of these three appellants and that of Mohammed Patel. It was for the jury to decide who they believed and who they did not believe and to return different verdicts accordingly. The applications on those grounds are refused.

33. In the result, we grant each appellant leave to appeal against conviction on ground one. There will be a representation order for Leading Counsel, to cover preparation for this hearing as well as for the appeal itself. The court will require skeleton arguments. The parties should propose a timetable for these, and for the submission of a reading list of key materials, and a bundle of authorities.

34. We add this. In the course of the hearing a number of candidates were identified as potential "base" offences on the facts of this case including assault, battery, and criminal damage. Mr Menon expressed a preference for the latter because it reflected the collision with the Skoda. It had been the agreed position of Counsel and the judge at trial that a collision causing death was an essential ingredient of the principal offence. Mr Menon submitted that this position was mandated by the decision in *Andrews v DPP* [1937] AC 576*,* and that for that reason dangerous driving was not a candidate. We consider that the court will be assisted by argument on what base offence or offences could or could not be relied on here, and with what effect. As the argument did not make clear to us quite why it was thought essential to prove an actual impact as opposed to conduct that caused the Skoda to leave the road and crash, it will assist to explain the reasoning behind that conclusion.

Manslaughter: sentence

35. We turn to the alternative challenges of Ameer Jamal, Gulammustafa and Akhtar to the sentences imposed by the judge.

36. The judge sentenced each of these appellants on the basis that their culpability fell within category B of the sentencing guideline for unlawful act manslaughter. The judge said that the single most important factor, but not the only one, was that in each of their cases guideline factor two applied, namely "Death was caused in the course of an unlawful act which carried a high risk of death or grievous bodily harm which was or ought to have been obvious to the offender." The appellants had impliedly conceded that they had this state of mind by their evidence that they had shouted at or pleaded with Raees Jamal to slow down. On that basis the starting point for a single offence was one of 12 years' imprisonment with a range of 8 to 16 years. There was no statutory aggravation but there was at least one weapon. Ameer Jamal had disposed of his phone, Gulammustafa did not, but Jamal was of good character and Gulammustafa was not. These factors balanced one another out. In relation to Akhtar the judge said this, "You, Natasha Akhtar, are in a separate and lower category. Whilst you, nevertheless, bear a heavy responsibility for all of this, you were the least involved and you were of previous good character."

37. The judge went on to say that these three were alike in that they had all failed to summon assistance. There were two deaths, which was the most important factor in sentencing. Bearing in mind totality, there was no distinction to be made between Jamal and Gulammustafa. For each the sentence was 15 years less credit for curfew. For Natasha Akhtar the sentence was 12 years less credit for curfew.

38. These three appellants all made common cause in advancing the complaint that the judge was wrong to place their culpability in category B. Mr Menon again led on this aspect of the case, with support from Mr Bhatia. They submitted first that their clients' evidence that they had been trying to dissuade Raees Jamal from driving at speed should not have been counted against them but ought to have been treated as a

mitigating factor. Secondly, a sentence of 15 years was manifestly excessive when they were all guilty by dint of mere presence alone albeit that, on the verdicts of the jury, their presence was both voluntary and supportive. On a proper assessment, their roles in the offending were minor. Thirdly, it was submitted that the judge struck the wrong balance between aggravation and mitigation. Jamal was of positive good character. The others were only 21 at the time. There was evidence that Gulammustafa was easily led. Akhtar acted under the oppressive influence of Raees Jamal, a manipulative character with whom Akhtar was besotted, and she had shown remorse. Mr Menon, with support from Mr Bhatia, further referred to the emotive nature of the victim personal statements which, he told us, took an hour to read to the court. They invited us to consider whether the severity of the sentences might be accounted for by the judge's response to these.

39. In our judgment, the judge was entitled to conclude that the culpability of these appellants fell within guideline category B. It seems to us indisputable that the car chase was one that carried a high risk of death or really serious harm and that this should have been obvious to all those in each car. The jury were sure that the deaths were not caused by an overwhelming supervening event. That said, the guideline emphasises the need to "avoid an overly mechanistic application" of the category factors and the category range is a wide one. Here, there was one category D factor, namely the minor role played by each of these appellants. That should in our judgment have had a powerful downward impact on the sentence, taking it below the category starting point and towards the lower end of the range before consideration of aggravating and mitigating factors and totality.

40. The offending was aggravated by the failure to provide any assistance at the scene and attempts to cover up evidence. There had been weapons, in the form of a wheel brace and a screwdriver, but the offence did not involve the use of either. The youth and good character of these appellants and the other mitigating factors relied on were, in our judgment, matters of real weight. Again, in our view, the judge erred in striking the overall balance of aggravation and mitigation. In these cases it favoured a downward movement in the sentence for a single offence. At step 7, the court must consider totality. That requires an uplift for the additional harm of two deaths. The judge was right to conclude that this must lead to a substantial increase in the overall sentence. Nonetheless, in our judgment the sentences for all these appellants were manifestly excessive. They could and should have been substantially lower.

41. In the result we grant the applications of Jamal and Gulammustafa (with representation orders for Leading Counsel accordingly). We allow all three appeals, and quash the sentences imposed below. We substitute the following. For Ameer Jamal, a sentence of 13 years' imprisonment, less 4 months for time spent on qualifying curfew, so 12 years and 8 months. For Gulammustafa, again 13 years' imprisonment, less 3 months in respect of qualifying curfew, so 12 years 9 months. For Nathasha Akhtar, 10 years' imprisonment, less 4 months to reflect time spent on qualifying curfew, so 9 years and 8 months.