



Neutral Citation Number: [2026] EWCA Crim 951

Case Nos: 202303048 B4, 202303062 B4 & 202303020 B4

IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT LEICESTER
HHJ SPENCER KC
T20227026

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 28 July 2026

Before:

LORD JUSTICE JEREMY BAKER
MR JUSTICE BRYAN
and
HIS HONOUR JUDGE SIMON HIRST
THE HONORARY RECORDER OF LINCOLN
(Sitting as a Judge of the High Court)

Between:

AMEER JAMAL
SANAF GULAMMUSTAFA
NATASHA AKHTAR
- and -
REX

First Appellant
Second Appellant
Third Appellant

Respondent

Mr Rajiv Menon KC (instructed by **M and M Solicitors**) for the **First Appellant**
Mr Balraj Bhatia KC and **Mr Sukhdev Garcha** (instructed by **Sahota & Sahota Solicitors**)
for the **Second Appellant**
Mr Balraj Bhatia KC and **Mr Arif Hanif** (instructed by **Hanif & Co Solicitors**) for the **Third**
Appellant
Mr Collingwood Thompson KC and **Mr Daren Samat** (instructed by **Crown Prosecution Service**)
for the **Respondent**

Hearing date: 3 July 2026

APPROVED JUDGMENT

This judgment was handed down remotely at 2.00 pm on 28 July 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Lord Justice Jeremy Baker:

1. On 4 August 2023, following a trial in the Crown Court at Leicester, Ameer Jamal, (the 1st appellant) Sanaf Gulammustafa (the 2nd appellant) and Natasha Akhtar (the 3rd appellant) were acquitted of two counts of murder (counts 1 and 2) but convicted of two counts of manslaughter (counts 3 and 4).
2. Their co-accused, Raees Jamal, Rekan Kawan, Mahek Bukhari and Ansreen Bukhari were convicted of two counts of murder, (counts 1 and 2).
3. Mohammed Patel was acquitted of both murder and manslaughter.
4. On 1 September 2023, the trial judge imposed sentences upon the appellants, as reduced on appeal by this court on 17 October 2025, as follows:

Ameer Jamal – 12 years and 8 months’ imprisonment

Sanaf Gulamustafa – 12 years and 9 months’ imprisonment

Natasha Akhtar – 9 years and 8 months’ imprisonment
5. The co-accused were sentenced to life imprisonment.
6. The appellants appeal against their convictions with the leave of the Full Court (Warby LJ, Lavender J and HHJ de Bertodano) [2025] EWCA Crim 1353.

The offences

7. The background to the offences was that for about 3 years leading up to January 2022, Saqib Hussain and Ansreen Bukhari, who was married, had been in a sexual relationship. When Ansreen Bukhari ended the relationship, Saqib Hussain 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 to others, including her husband.
8. Ansreen Bukhari discussed her predicament with her daughter, Mahek Bukhari, who sent a message to her mother, on 4 January 2022 that read, “...*I’ll get him jumped by guys and he won’t know what day it is.*”.
9. To that end, Mahek Bukhari initially enlisted the assistance of her friend, Rekan Karwan, and, as matters progressed, another of her friends, Raees Jamal, who in turn enlisted the assistance of his cousin, the 1st appellant, and two of his friends, the 2nd and 3rd appellants.
10. It was alleged that by early February 2022, the appellants and the co-accused had all become party to an agreement that Saqib Hussain should be attacked. A plan was formed to lure him to a meeting, on the promise that he would be given his money back. The aim was to obtain the phone, delete the photos and to cause Saqib Hussain at least really serious harm, if not to kill him, in order to silence him.

11. On 9 February 2022, Saqib Hussain was at home in Banbury with his sister, Sana Hussain, who overheard a conversation that he was having with Ansreen Bukhari on a speakerphone, in which he told her that if she repaid him the money he had spent on her he would leave her alone. According to his sister, after Ansreen Bukhari told her brother that he would have to collect the money from a boy, she warned her brother that this was a set-up. However, Saqib Hussain told her to forget it and not to worry about it.
12. On the following day, 10 February 2022, Raees Jamal was in phone and SMS message contact with Rekan Karwan and the appellants. He also tried to contact Mohammed Patel. It was alleged that the purpose of these contacts was to make the necessary arrangements for what was to take place later that day, namely, to lure Saqib Hussain to a meeting in a Tesco car park in Leicester, where he would be attacked and his phone taken from him.
13. Later on that day, at about 8.49pm, and in furtherance of that plan, Mahek Bukhari sent an iMessage to Saqib Hussain, in which she told him, “...*me and mum are on our way Leicester and staying there, so come meet there...let me now when you make ways...*”.
14. Around this time Saqib Hussain was with some of his friends in Banbury, and he asked them to drive him over to collect the money that was owed to him. In the course of the conversation, the possibility of this meeting being a set-up was discussed, but again Saqib Hussain dismissed the idea. It was his friend Hashim Ijazuddin who agreed to drive him to collect the money in his Skoda Fabia motor vehicle, and they set off at about 11pm. Hashim Ijazuddin’s role in these events was simply to give his friend a lift.
15. CCTV footage from the Tesco store in Leicester showed that at about 1.09am in the early hours of 11 February 2022, the appellants and the co-accused arrived at the carpark in two vehicles. The appellants arrived in a Seat Leon being driven by Raees Jamal, whilst the co-accused arrived in an Audi TT being driven by Rekan Karwan. There was a wheel brace and a curved pointed metal tool in the vehicles, and six of them were in possession of face coverings in the form of balaclavas or masks.
16. Shortly thereafter, at 1.17am, Saqib Hussain arrived with his friend Hashim Ijazuddin in the Skoda. However, they were only there for a few seconds before they drove away from the carpark, no doubt realising they had been set up.
17. Following phone calls between those in the Seat and the Audi, the appellants and the co-accused drove out of the carpark in pursuit of the Skoda. In the course of the pursuit, those in the Seat and the Audi were communicating with one another via a phone line between the two cars that remained open for 14 minutes, from which it was inferred that they were co-ordinating what was to happen in the course of the pursuit.
18. During the course of the pursuit along the A46 dual carriageway there was a 3-minute call from Mahek Bukhari’s phone to the phone of Saqib Hussain, which began at 1.24am and ended at 1.27am, less than a minute before Saqib Hussain made a 999 call at 1.28am.
19. CCTV footage showed that at 1.28am, the Seat had been able to overtake the Skoda, effectively boxing it in, between the Seat and the following Audi.

20. The transcript of the 999 call included Saqib Hussain 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”.

21. Screams were then heard and at 1:33am the call disconnected. The Skoda left the carriageway, hit and crossed the central reservation barrier, collided with a tree, and burst into flames. Saqib Hussain and Hashim Ijazuddin died instantly from multiple injuries sustained on impact, before the fire had taken hold. Each of them was 21 years old at the time of his death.
22. The subsequent police investigation revealed that the Seat and the Audi had been close to the Skoda at the time. It was alleged that the Audi and the Seat had engaged in a co-ordinated high-speed pursuit of the Skoda which culminated in the Seat ramming the Skoda from behind and causing the crash.

The trial

23. In opening the case to the jury, Mr Thompson KC explained that,

“...the real issue will be what was the intention of these defendants when they arrived at the Tesco car park to meet Saqib Hussain?”.

24. In so far as Raees Jamal was concerned, Mr Thompson said that as the driver of the Seat which was used as a weapon effectively to ram the Skoda off the road at high speed, he was the principal offender and that as he must have intended to cause at the very least really serious harm to the occupants of the Skoda, he was guilty of their murder.
25. Furthermore, as Rekan Karwan was the driver of the Audi which was acting in concert with the driver of the Seat to stop the occupants of the Skoda from escaping, he too must have intended to cause at least really serious harm to the occupants of the Skoda, and was therefore guilty of their murder.
26. In so far as those who were passengers in the two vehicles, including the appellants, he told the jury that,

“...a crucial issue will be what was their intention when they arrived at Tesco’s car park?”.

27. He went on to tell the jury that,

“In this regard, the Crown’s case is that the meeting at Tesco’s was premeditated, and planned, and those involved must have known from the fact that balaclavas were being worn that

violence was contemplated if necessary. Once Saqib tried to escape violence did become necessary, because the only way to stop him was by the use of force. Everyone in those cars that left Tesco's in pursuit of the Skoda Fabia must have known that. This was not a pursuit that lasted just a few seconds or a couple of minutes. According to the SOE summary the pursuit lasted just over 10 minutes. That was a shared and common intention, the crown allege, to inflict at least really serious harm, either at the Tesco car park, or later. Therefore they were assisting and encouraging the commission of the murders by their presence.

Supposing, however, that you were not sure that either the drivers, or their passengers, intended that the victims to be killed, or caused really serious harm, but you were sure that they had intended to cause some harm, not necessarily really serious harm to them. That is where the alternative counts of manslaughter becomes relevant. In those circumstances a verdict of guilty of manslaughter would be open to you, provided that their unlawful act, intended to cause some harm to the victims, and was one which all sober and reasonable people would inevitably realise would subject the victims to the risk of some harm."

28. To prove the case the prosecution relied on a combination of direct and circumstantial evidence, including:
- i. Evidence of the relationship between Mahek Bukhari and Saqib Hussain and the messages he had sent her after the break-up;
 - ii. Messages that Mahek Bukhari had sent in January 2022 that indicated a desire for retribution;
 - iii. Phone contact between Mahek Bukhari, Rekan Karwan, Raees Jamal, and the appellants.
 - iv. A sequence of events compiled from call data, messages, emails, telematics, ANPR and CCTV;
 - v. Saqib Hussain's 999 call;
 - vi. The evidence of a forensic collision investigator to the effect that the most likely cause of the crash was some external influence such as a collision with another vehicle; that the cars had been travelling at speeds well beyond the limit - up to 100mph in the case of the Audi; and that the likely collision was between the front of the Seat and the rear of the Skoda before the Skoda went out of control and hit the tree.
 - vii. The evidence of face coverings being worn by some of those in the two vehicles, the evidence of what were said to be weapons in the two cars, the wheel brace and the curved pointed metal tool, DNA evidence and the content of prison calls.
 - viii. The fact that none of those involved called for help, despite those in the Seat and the Audi having stopped to look at the scene of the collision when the Skoda was on fire.
 - ix. The accused put forward innocent accounts which, the prosecution said, were concocted in an attempt to avoid responsibility for the killings.

29. At trial, following the close of the prosecution's evidential case, those instructed on behalf of the appellants made submissions of no case to answer, which were refused by the trial judge.
30. Thereafter, the appellants gave evidence. Each of them admitted being a passenger in the Seat but denied being party to any plan to harm Saqib Hussain. They were unaware of the reason why Raees Jamal drove the Seat into Tesco's car park or drove away again. They were not aware that the Seat was going to ram the Skoda and told Raees Jamal to slow down during the course of the journey.

Summing-up

31. The judge provided a split summing-up to the jury. In the first part of his summing-up the judge provided the jury with conventional legal directions in writing, together with an appropriate explanation of the elements of murder and manslaughter, joint participation and overwhelming supervening event.
32. The judge also provided a written route to verdict. In relation to Raees Jamal, on the counts of murder, the jury were required to answer two questions.
 1. Firstly whether they were sure that he had used the Seat to deliberately ram the Skoda off the road thereby causing the death of Saqib Hussain/Hashim Ijazuddin.
 2. Secondly, if he did so, whether they were sure that at the time of doing so, he intended to cause the death of Saqib Hussain/Hashim Ijazuddin or cause them grievous bodily harm.
33. In relation to each of the other accused, including the appellants, on the counts of murder, and in the event that they had convicted Raees Jamal of murder, the jury were required to answer three questions.

"Are we sure;

5. [the accused] actively participated in a joint or common plan to cause death or grievous bodily harm to Saqib Hussain/Hashim Ijazuddin OR actively and intentionally assisted or encouraged Raees Jamal in such a plan.

If NO, verdict is NOT GUILTY

If YES, go to Q [6]

6. that death being caused by the Skoda leaving the road was not an overwhelming supervening act that nobody in [the accused's] position could have contemplated might happen.

If NO, verdict is NOT GUILTY

If YES, go to Q [7]

7. at the time [the accused] intended to cause the death of Saqib Hussain/Hashim Ijazuddin or to cause him grievous bodily harm.”

34. In the event that the jury were not sure that any one of the other accused, including the appellants, was guilty of murder, the jury were required to answer three alternative questions in relation to the counts of manslaughter.

“Are we sure;

8. [the accused] actively participated in a joint or common plan to cause some injury to Saqib Hussain/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 [the accused's] position could have contemplated might happen.

If NO, verdict is NOT GUILTY

If Yes, go to Q [10]

10. that at the time of that participation, assistance, encouragement [the accused] intended to cause Saqib Hussain/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 counts 3 and/or 4”

35. After the judge had provided these legal directions to the jury, prosecution and defence counsel addressed the jury. Thereafter, the judge, in the second half of his summing-up provided the jury with a summary of the evidence.
36. In the course of this part of his summing-up the judge posed a number of questions which,

“...are the sort of questions you will have to ask yourselves and find answers to.”

These included,

“Why did the two vehicles set off for Tesco car park?”, “Why are there eight occupants?”, “Did any of those eight occupants have with them a face covering?”, “Were any of those face coverings being worn before these two vehicle set off for from Tomlin Road?”, “Did any occupant of these vehicles have a tool or a weapon?”, and “What was any of the occupants told about what was going on?”.

37. The judge then said,

“Now, put all that together and you then have to ask yourselves what does any of this or all of this tell us, the jury, about what was in the contemplation of any or each defendant as they approached Tesco car park? Deliberate choice there by me of that lawyer’s phrase, ‘contemplation’. You know that fits into my legal directions.

Put perhaps more simply and less legalistically what did any of these occupants think was the purpose of going to Tesco? What did they think was the purpose of in these two vehicles going to Tesco car park? And what was said on that journey to Tesco car park, by whom and to whom? So, there’s a lot, isn’t there, for you to think about and decide upon in relation to that journey.....”

Post-trial events and submissions

38. Following their convictions for manslaughter, the appellants sought leave to appeal those convictions, which was refused by the Single Judge. The appellants sought to renew their applications for leave to the Full Court, which granted leave to appeal against conviction in respect of the first ground, but refused leave in respect of the second and third grounds, which had sought to argue that the judge had been wrong to dismiss the submissions of no case to answer, and that the convictions were perverse due to the acquittal of Mohammed Patel.
39. The ground of appeal for which the Full Court granted leave was that the route to verdict in respect of unlawful act manslaughter and secondary participation was wrong in law.
40. This ground of appeal was argued before us by Mr Menon KC on behalf of the 1st appellant and by Mr Bhatia KC on behalf of the 2nd and 3rd appellants, to whom we are grateful.
41. It was pointed out that in *R v Grey* [2024] EWCA Crim 487, (“Grey”), a case of unlawful act manslaughter, this court stressed the importance of identifying the unlawful act (sometimes called the base offence) and providing the jury with directions as to its constituents, both *actus reus* and *mens rea*, which have to be proved by the prosecution. A matter which is now reflected in the current Crown Court Compendium, which states that, *“It is vital that a base crime is identified and proved. A failure to do so will result in an unsafe conviction”*.

42. It is submitted that the unlawful act which caused the deceased's death was the deliberate ramming of the Seat into the rear of Skoda, which was either criminal damage or an assault.
43. It is submitted that despite the matter being raised by counsel at trial, the judge failed to identify the base offence for the counts of unlawful act manslaughter and therefore failed to identify the constituent elements of the unlawful act which had to be proved by the prosecution.
44. Moreover, it is submitted that Question 8 in the route to verdict was in error in that it provided the jury with three alternative routes to conviction for a secondary party charged with unlawful act manslaughter, and in particular enabled the jury to convict that appellants on the basis that they actively participated in a joint or common plan to expose the deceased to an obvious risk of harm.
45. In those circumstances, it is submitted that the resulting convictions are thereby rendered unsafe, as the jury could have convicted the appellants of manslaughter even if they were not sure that they had intentionally assisted or encouraged the principal to commit the unlawful act.
46. On behalf of the prosecution, Mr Thompson KC points out that the prosecution had presented its case at trial on the basis that when the appellants arrived at the Tesco car park they intended either to kill Saqib Hussain or cause him really serious harm or, in the alternative, to cause him some harm, but not necessarily really serious harm.
47. It is submitted that this was the joint or common plan referred to in Question 8, and that although the immediate cause of the fatal crash was Raees Jamal deliberately ramming the rear of the Skoda, this was a continuation of the original plan. Moreover, Question 9 enabled the jury to consider whether this act was one which nobody in the appellants' position could have contemplated might happen.
48. Therefore, by convicting the appellants of manslaughter, the jury must have been sure that the deliberate ramming of the Skoda was an escalation of the joint or common plan in which they had participated or encouraged.
49. It is submitted that although the judge did not expressly identify the base offence as an assault, the directions provided by the judge sufficiently identified the matters which the prosecution was obliged to prove in relation to unlawful act manslaughter.
50. In those circumstances, and given the strength of the circumstantial evidence in the case, the convictions for manslaughter are safe.

Discussion

51. It is clear from the prosecution's opening, that the core of the prosecution's case was that as a result of Saqib Hussain's threats to blackmail Ansreen Bukhari, her daughter, Mahek Bukhari, had agreed with others to lure Saqib Hussain to Tesco's car park in order to retrieve the incriminating phone and to attack him with the intention of causing him to suffer at least really serious bodily harm, if not to kill him in order to silence him.

52. On the evidence as presented to the jury, there can be little doubt that had Saqib Hussain not realised, when he arrived at Tesco's car park, that he had been set-up, and therefore alighted from the Skoda, this is what would have occurred. Indeed, had Saqib Hussain sought to escape by running out of the car park, those involved would no doubt have chased after him either on foot or in their vehicles in order to prevent his escape.
53. In those circumstances, had Saqib Hussain been killed in the course of seeking to escape from the car park, by one of the accused's vehicles driving into him, then subject to a possible argument about an overwhelming supervening act, all those involved would have been liable to be convicted of either murder or manslaughter, arising from their participation in or encouragement of others to take part in the original agreement to assault Saqib Hussain.
54. The fact that when the Skoda entered the car park, Saqib Hussain did realise that he had been set-up, and so, instead of alighting from the vehicle, he and Hashim Ijazuddin sought to escape by driving away in the Skoda, made no material difference to the criminal liability of those involved in chasing after them in the Seat and the Audi, for causing Saqib Hussain and Hashim Ijazuddin's death when the Seat was used to ram the Skoda in order to prevent their escape.
55. Indeed, even if the Seat had not been used to ram the Skoda, and instead Saqib Hussain and Hashim Ijazuddin had been killed in a collision resulting from the high speed chase having caused the Skoda to be driven out of control, those involved in chasing after them would still have been liable to be held criminally responsible for their deaths.
56. It is in this context that the legal directions, including the route to verdict, falls to be considered. In that regard, as we have already observed, in the first part of his summing-up, the judge provided the jury with appropriate directions as to the legal elements of murder and manslaughter, joint participation and overwhelming supervening event. Whilst, in the second part of his summing-up, the judge focused the jury's attention, by reference to those legal directions, as to what was in the mind of the occupants of the Seat and the Audi, as they approached Tesco's car park, which reflected the way in which the prosecution had opened its case to the jury.
57. In relation to the route to verdict, we have no doubt that there were other ways in which this could have been crafted, and, in this regard, we understand from Mr Menon that he was responsible for having persuaded the judge to make Raees Jamal's liability for murder dependent upon his use of the Seat to deliberately ram the Skoda off the road.
58. However, nothing turns on that, because when the judge came to the liability of the other accused for murder, the jury were required to be sure that not only had the accused actively participated in a joint plan to cause death or really serious bodily harm to Saqib Hussain and Hashim Ijazuddin or intentionally assisted or encouraged Raees Jamal in such a plan, but that the death being caused by the Skoda leaving the road was not an overwhelming supervening event. Moreover, that they were sure that at the time the accused intended to cause the death or grievous bodily harm to Saqib Hussain and Hashim Ijazuddin.
59. Likewise, when the judge came to the liability of the accused for manslaughter, the jury were required to be sure that not only had the accused actively participated in a joint plan to cause some injury to Saqib Hussain and Hashim Ijazuddin or intentionally

assisted or encouraged Raees Jamal in such a plan, but that the death being caused by the Skoda leaving the road was not an overwhelming supervening event. Moreover, that they were sure that at the time the accused intended to cause Saqib Hussain and 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).

60. Subject to one matter to which we will come in due course, we consider that in the context of this case, where there was no question but that those involved in the plan were intent on inflicting unlawful violence upon Saquib Hussain, these questions appropriately set out the matters which the jury had to consider. The jury would have been well aware that the common plan which was being referred to was the plan to attack Saqib Hussain when he arrived at Tesco's car park, in order to kill him, or to cause him to suffer either really serious bodily harm, or some lesser degree of harm. Moreover, joining such a plan is in itself an unlawful act, and the jury were appropriately directed to consider whether the collision which caused the death of Saqib Hussain and Hashim Ijazuddin was in accordance with that plan, or was something which none of them could have contemplated.
61. The one matter which has caused us some concern, is the reference in Question 8 to an accused participating in a plan, "*to expose them to an obvious risk of harm*". In this regard, we accept that this would not be sufficient to prove a plan to assault Saqib Hussain, and we are not sure as to why it was included. Accordingly, we have considered whether in itself, the inclusion of these words is liable to render the convictions for manslaughter unsafe.
62. As we have already pointed out, the basis upon which the accused's criminal liability for murder, or in the alternative manslaughter, was made clear by the prosecution in its opening. Namely it depended upon the jury being satisfied that the accused's attendance at Tesco's car park was due to their having agreed to take part in a plan to assault Saqib Hussain, with the intention of either causing him to suffer at least really serious bodily harm or in the alternative some lesser degree of harm. Moreover, that the cause of the deceased's death was a continuation of the execution of that joint agreement.
63. This was also the basis upon which the judge summed up the case to the jury, focusing their attention upon the evidence relating to the attendance of the accused at Tesco's car park, and thereafter providing directions to the jury which appropriately set out the legal elements of the offences of murder and manslaughter, joint participation and overwhelming supervening event. In these circumstances, we have no doubt that when it came to considering the appellant's liability for manslaughter, they did so on the basis of considering whether the accused actively participated in a joint plan to cause some injury to Saqib Hussain and Hashim Ijazuddin or intentionally assisted or encouraged Raees Jamal in such a plan, rather than considering any plan which was limited to exposing them to an obvious risk of harm. Moreover, the circumstantial evidence which was available to the jury that the joint plan involved the infliction of at least some injury to Saquib Hussain was overwhelming.

Conclusion

64. In these circumstances, we are satisfied that in the context of this case, the inclusion of these words does not affect the safety of the appellants' convictions for manslaughter.

65. We would only add, that nothing which we have said in this case is intended in any way to undermine what was said in *Grey* as to the importance of identifying the base offence in cases of unlawful act manslaughter; a matter which was of particular importance in *Grey*, where, had that been done, it would have become clear to those involved in the trial that there was insufficient evidence to prove any such offence in that case. In contrast, in the present case, we consider that the base offence was sufficiently identified and that sufficient directions were provided to the jury to enable them to understand and consider the issues which the prosecution were required to prove. Moreover, as we have already noted, the evidence which was available to the jury to prove the case against the appellants was overwhelming.
66. Accordingly, these appeals against convictions are dismissed.