Neutral Citation Number: [2026] EWCA Crim 1429

Case Nos: 202602173 B1
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IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT SOUTHAMPTON
HIS HONOUR JUDGE MOUSLEY KC
Case no:: 44SC1066125

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 05/11/2026

Before:

THE LADY CARR OF WALTON-ON-THE-HILL,
THE LADY CHIEF JUSTICE OF ENGLAND AND WALES
MR JUSTICE NICKLIN
and
MR JUSTICE WALL

- -

Between:

REX	**Appellant**
- and -	
VICKRUM SINGH DIGWA	**Respondent**

(Reference under section 36 of the Criminal Justice Act 1988)

- -

Between:

VICKRUM SINGH DIGWA	**Applicant**
- and -	
REX	**Respondent**

(Sentence application)

- -

Reference under section 36 of the Criminal Justice Act 1988:
Jonathan Polnay KC appeared on behalf of **HM Attorney-General**
Imran Khan KC (instructed by **Imran Khan and Partners**) for the **Respondent**
Annabel Timan (pro bono) for the **Respondent**

Sentence applications:
Nicholas Lobbenberg KC (instructed by **Crown Prosecution Service**) for the **Respondent**
Imran Khan KC and Annabel Timan (under representation order) for the Applicant **Vickrum Singh Digwa**

Hearing date: 5 November 2026

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JUDGMENT

The Lady Carr of Walton-on-the-Hill, CJ:

Introduction

1. Shortly after 11pm on 3 December 2025 Vickrum Singh Digwa, then aged 22 years old, fatally stabbed Henry Nowak with a large Kirpan, a religious knife worn by those of the Sikh faith. Henry was 18 years old.

2. Digwa was convicted of Henry's murder following trial in Southampton Crown Court and, on 1 June 2026, sentenced to life imprisonment with a minimum term under s. 322 of the Sentencing Act 2020 of 21 years (less time spent on remand). He received a concurrent sentence of 2 years' imprisonment for the offence of having an article with a blade or point contrary to s. 139(1) and (6) of the Criminal Justice Act 1988.

3. Digwa's mother, Kiran Bala Kaur, was also convicted following trial in Southampton Crown Court of assisting an offender contrary to s. 4(1) and (3) of the Criminal Law Act 1967. On 17 July 2026 she was sentenced to 3 years' imprisonment. She abandoned her application for leave to appeal against sentence very shortly before this hearing.

4. We now have before us two applications:

   i) An application by His Majesty's Attorney General for leave to refer Digwa's sentence under s. 36 of the Criminal Justice Act 1988 on the basis that she considers the sentence to be unduly lenient;

   ii) An application by Digwa for leave to appeal against sentence on the basis that his sentence is manifestly excessive.

5. We have considered the applications separately. The applicable tests are different. A rejection of Digwa's submission that the minimum term was manifestly excessive does not, without more, establish that it was unduly lenient. Equally, the fact that we might ourselves have selected a longer minimum term does not, of itself, justify intervention on the basis of leniency.

The facts in summary

6. Henry was a first-year student who had just started out at Southampton University. Shortly after 11pm on 3 December 2025 he was walking home alone after an evening out with friends in his football team. He had drunk some alcohol but only modestly. He was tipsy, but not significantly under the influence of alcohol, and under the legal alcohol limit for driving.

7. As he walked down Belmont Road, Henry encountered Digwa by chance. They were not known to each other. Digwa, who is of the Sikh faith, had two knives on him. The knives were Kirpans. For an initiated or baptised Sikh, the Kirpan is to be worn or carried, as far as possible, at all times. Digwa wore a small Kirpan on a cord around his neck, under his clothing. But he was also carrying a large Kirpan (21 centimetres in length) attached to a belt outside his clothing. Carrying a second Kirpan was not a strict religious requirement but was consistent with the practice of an order of Sikhs called the Nihang, of which Digwa was a member. Within that tradition, additional weapons may be worn visibly as an outward expression of religious or cultural identity, although

the expert evidence was that Sikhs are advised ordinarily to wear Kirpans discreetly in public.

8. The first part of the encounter between Henry and Digwa was captured on Henry's mobile phone. Henry asked Digwa, in a non-aggressive tone, whether Digwa was "a bad man", in all likelihood a reference to the large Kirpan. Digwa moved towards Henry and replied that he was "a bad man" and took Henry's phone from him. There may well have ensued a struggle as Henry tried to recover his phone. The phone was not identified as belonging to Henry until later at a police station. At some stage Digwa's turban came off his head.

9. Digwa drew the large Kirpan and stabbed Henry in the chest, penetrating to a depth of 8cm. This was not a survivable injury. Digwa also inflicted two substantial stab wounds to the back of Henry's upper leg or thigh. There was a further small puncture injury to the lower abdomen, consistent with contact with the tip of the Kirpan. Henry also sustained a cut to his face, caused by the Kirpan, although it was not clear whether that was a targeted or collateral injury. One or more of the stabs had an immediate effect, since Henry was rendered defenceless. The pathologist identified no injuries which she regarded as typical defensive injuries, and the judge found that Henry had been unable effectively to defend himself from further serious injury. Henry tried to escape over a bin and fence before falling over a car, and then collapsed (or was pulled) onto the ground. Digwa suffered little, if any, injury.

10. Digwa's brother and father arrived quickly on the scene from the nearby family home. Digwa stated that he had been attacked, and in response to his brother's enquiry as to whether there was a racist element, also stated that Henry had called him a "Paki". Digwa denied that Henry had been stabbed and claimed that he was exaggerating. Digwa's mother, Kaur, also arrived on the scene and spoke with Digwa in Punjabi.

11. Digwa at this stage was filming Henry as he lay bleeding, clearly deteriorating, though conscious. The filming included close up footage of Henry's face. All the while Digwa and his brother were loudly taunting Henry, calling him "a fucking cunt", accusing him of being drunk, trying to make him sit up. Digwa can be heard telling Henry that he had not been stabbed, that Henry had been racist and had "fucked up". Henry can be heard at one stage denying that he had racially abused Digwa.

12. We have viewed the footage. The additional distress and degradation caused by such incomprehensible cruelty to Henry as he lay on the ground is a factor to which we must return later.

13. Digwa's brother, with Digwa present, called the emergency services and said that Henry had attacked his brother, including by racially abusing him. He repeated the allegation that Henry had used a racist term. Digwa asked his mother to remove the large Kirpan, sheath and belt from the scene. She complied, taking the large Kirpan, sheath and belt to the family home and placing them with a large collection of ceremonial and other bladed articles in her sons' bedroom.

14. When the police arrived, Digwa continued to say that Henry had not been stabbed but instead was the aggressor. Police officers initially accepted that false account and rejected Henry's pleas that he had been stabbed. Henry was arrested and handcuffed by officers in the belief that he had committed an offence.

15. Shortly afterwards, Henry became unconscious. The handcuffs were removed and officers commenced emergency treatment, including CPR. Medical assistance had by then been requested. Digwa continued to deny stabbing Henry.

16. A doctor arrived by helicopter but, tragically, nothing could be done to save Henry, who was declared dead at 00:37 hours.

17. The large Kirpan was found later among more than 20 Sikh bladed articles in the bedroom shared by Digwa and his brother. The collection included ceremonial and other weapons. The knife had Henry's blood and tissue on its blade.

Victim personal statements

18. Henry came from a large and loving family, including four siblings. In statements for the sentencing hearing, his father, Mark Nowak, his mother, Lucy Ross, his stepmother, Katie Woodcock, his stepfather, David Stevenson, and his sister, Olivia Nowak, described in moving detail the devastation, distress and suffering caused by Henry's death and its circumstances. They speak of having been given a life sentence, permanent pain and of how their world has now fallen apart.

The sentences on Digwa

19. The judge concluded that a 15 year starting point for the minimum term applied, because the murder did not involve taking a knife to the scene with the purpose of using it to commit an offence or having it available to do so. He stated that it was "possible that [Digwa] had a good legal reason for having the dagger when he met Henry", although that reason "must have come to an end after [he] removed it from its sheath".

20. The judge identified the following aggravating features: the additional stabbing with a highly dangerous weapon; Henry's mental suffering; additional degradation by filming; Digwa's repeated and concerted actions after the event including attempts to cover up and conceal evidence, including Henry's phone; wrongly blaming Henry; prevailing on his mother to assist his attempts to pervert the course of justice; Henry's additional vulnerability, being only 18, unarmed and alone; the significant community impact on others; misleading the police, thereby influencing their decision to arrest and handcuff Henry and causing them initially to provide emergency treatment without knowing that he had sustained a serious chest wound; and abusing the privilege extended to Sikhs to have a knife in a public place for religious reasons, dishonouring his religion and putting others at risk of repercussion.

21. He elevated the minimum term from 15 to 23 years to reflect these factors.

22. He then made a downward reduction of 2 years to reflect the available mitigation. There was no reduction for an intention only to cause grievous bodily harm. The judge was sure that Digwa intended to kill. However, Digwa was young and of previous good character. His uncle and a family friend provided positive character references, describing him as a hardworking man dedicated to his family and faith. There was no premeditation.

23. As already mentioned, alongside the sentence for murder, the judge imposed a concurrent sentence of 2 years' imprisonment for the offence of possession of a bladed article.

Sentencing for murder and Schedule 21

24. By s. 1(1) of the Murder (Abolition of Death Penalty) Act 1965, a person convicted of murder must be sentenced to imprisonment for life. S. 321 of the Sentencing Act 2020 then requires the court to impose a minimum term or a whole life order. A minimum term is an order that the early release provisions are to apply once the offender has served the length of the minimum term. So there is no question of release before the minimum term has been served in its entirety.

25. By s. 322 of the Sentencing Act 2020, if the court makes a minimum term order, the minimum term must be such part of the offender's sentence as the court considers appropriate taking into account the seriousness of the offence or the combination of the offence and any one or more offences associated with it. In considering seriousness, the court "must have regard" to the general principles set out in Schedule 21 of the Sentencing Act 2020 (Schedule 21) and any relevant sentencing guidelines. It must also state which of the starting points in Schedule 21 it has chosen, and why, and state its reasons for any departure from that starting point.

26. Schedule 21 contains a sliding scale of starting points for offenders aged 18 or over when the offence was committed, ranging from cases of "exceptionally high" seriousness (whole life order), "particularly high" seriousness (30 years), "sufficiently serious for the starting point…to be 25 years" (25 years) and, for all other cases, 15 years. A case is normally to be regarded as "sufficiently serious" for the starting point to be 25 years if "the offender took a knife or other weapon to the scene intending to commit any offence or have it available to use as a weapon, and used that knife or other weapon in committing the murder".

27. The provisions of Schedule 21 are not to be applied inflexibly. That would be inconsistent with the terms of the statutory framework. No scheme can be fully comprehensive, and any prescriptive approach runs the risk of producing injustice. Even when there is an apparently detailed framework, the sentencing judge must achieve a just result (see *R v Kelly and others* [2011] EWCA Crim 1462; [2012] 1 Cr Ap R (S) 56 (*Kelly*) at [6]).

28. Thus, as emphasised in *R v Last* [2005] EWCA Crim 106; [2005] 2 Cr App R (S) 64 at [34], where features of an offence bring its seriousness towards a higher statutory category, but do not establish the conditions for that category, those features may nevertheless be given appropriate weight when the court adjusts the applicable lower starting point. The nature and use of a weapon remain relevant with a 15 year starting point for the minimum term (see *R v M, AM and Kika* [2009] EWCA Crim 2544; [2010] 2 Cr App R (S) 19 at [2] and [6-7] where the court noted the danger created when a person carries a knife in public, even without an existing intention to use it. The presence of the knife means that a moment of anger, irritation or perceived insult may result in its production and lethal use).

29. This is not to dilute the statutory conditions for a 25-year starting point; rather, the court is obliged to evaluate the real seriousness of the offending, including of the possession, availability and actual use of the weapon.

The parties' submissions

The Attorney General's submissions

30. Although it was the prosecution case below that the starting point in this case should be one of 25 years, the Attorney General does not criticise the decision to adopt a starting point of 15 years – on the basis that the statutory conditions for a 25 year starting point were not met. However, she submits that the seriousness of the offence "lay exceptionally close" to the category for a 25 year starting point because Digwa was carrying a substantial bladed weapon in public, immediately available for use, which he deployed repeatedly against an unarmed and defenceless stranger. This was so, notwithstanding that its initial carriage may have been protected by the statutory defence applicable where a bladed article is worn for religious reasons. There were then significant additional aggravating factors. The minimum term imposed failed adequately to reflect the combined weight of these features.

31. Mr Polnay KC emphasises orally that the challenge is not to the judge's starting point, but to his end point. The use of the knife (involving a large dagger, used repeatedly on an entirely defenceless man in a public place), combined with the abuse of statutory religious exemption, together justified a substantial upward adjustment of the minimum term to a term approaching 25 years. There were then four aggravating factors arising out of Digwa's conduct after the stabbing: degradation by filming – there were two videos; misleading first responders so that Henry was arrested and handcuffed rather than being given first aid in circumstances when Digwa could not have known that Henry's injuries were not survivable; the false allegation of racism; and the sustained attempt to pervert the course of justice through his mother. In these circumstances, a minimum term of 23 years before mitigation, for which it is accepted a reduction was justified, was manifestly insufficient.

Digwa's submissions

32. For Digwa, it is said that the Attorney General's submission, in particular in relation to the abuse of religious privilege, should be approached with real caution. Conflating religious observance with criminality risks treating the Sikh community's lawful exercise of a recognised religious practice as inherently more dangerous or suspect than other forms of lawful possession. That, it is submitted, would be a troubling and unprincipled outcome, difficult to reconcile with Parliament's own recognition, in s. 139(5)(b) of the Criminal Justice Act 1988, of possession of a bladed article in public for religious reasons as capable of amounting to a statutory defence.

33. Further, it is said that the Attorney General's submission that the case lay "exceptionally close" to the category of offending with a 25 year starting point for the minimum term, is not a recognised statutory category. The sentence below reflected a very substantial (8 year) uplift for aggravating factors.

34. Orally, Mr Khan KC submits that the judge did not fall into gross error. The judge did not overlook any of the factors relied upon by the Attorney General, including the misuse of religious privilege, which he accepted could be taken into account.

35. On his application for leave, Digwa seeks to challenge the judge's findings that Digwa lied about being subjected to racial insults by Henry and about Henry being the antagonist; and to the finding that the evidence established repeated and sustained attempts to pervert the course of justice. It is said that there was no proper evidential basis for either conclusion.

36. It is argued that a 21 year minimum sentence was manifestly excessive for a "spur-of-the-moment stabbing". On the basis of a 15 year starting point, the judge fell into error when considering aggravating features by double counting, placing too much weight on some features, and considering factors that were not aggravating at all. In particular, the individual features of the use of the knife and of Digwa's conduct in the aftermath were all interlinked. Factors such as vulnerability, community impact and publicity, and dishonouring of religion were not properly to be treated as aggravating factors.

37. The result is said to be a sentence that is manifestly excessive.

The prosecution's submissions

38. Mr Lobbenberg KC for the prosecution submits that the arguments for Digwa understate the gravity of the offending. The murder involved the deliberate and repeated use of a large and readily accessible dagger against an unarmed man. The judge found an intention to kill. Henry's treatment after the stabbing caused substantial additional suffering and humiliation. Digwa procured the removal of the weapon, retained Henry's phone, advanced a false account which led to Henry's arrest and handcuffing, and attempted to establish a false claim of self-defence. The judge's findings as to Digwa's lies were fully justified, including the lie that Henry had made a racist slur. There was no impermissible double-counting, rather the judge was being transparent in his reasoning in what was, in any event, not a strict arithmetical exercise.

Analysis

Appropriate sentence

39. The judge was entitled to take 15 years as the appropriate starting point when fixing the minimum term to be served. Although that position was challenged by the prosecution at trial, it is not challenged by the Attorney General today. As set out above, Parliament chose a starting point of 25 years where "*the offender took a knife or other weapon to the scene intending to: (a) commit any offence, or (b) have it available to use as a weapon, and used that knife or other weapon in committing the murder*". In appropriate cases it will not be improper for a judge to find that an offender had more than one motive for carrying a weapon – for religious purposes and with intent to commit an offence or use as a weapon. Here, the judge found that Digwa had not taken the large Kirpan to the scene intending to commit an offence or have it available for use as a weapon. He found that it was possible that Digwa had a religious, lawful reason for carrying the large Kirpan. That conclusion was properly open to him on the evidence. Therefore, he rejected the suggestion that he should begin the process by setting a minimum term at 25 years.

40. However, 15 years is the appropriate starting point for the minimum term in many cases of murder. That does not mean that all offenders who fall into this category carry the same culpability for their actions. Where the offender's culpability for his actions is greater than is catered for by the starting point, the judge can and should move up from that starting point before considering aggravating and mitigating features of the case.

41. We accept the submission for Digwa that it is unhelpful to describe the facts of this offending by reference to how close it is to the offending in other categories. Rather, the sentencing exercise can be carried out through the ordinary calibration of aggravating and mitigating factors from that starting point.

42. We consider that, in order properly to reflect the seriousness of this offending, there needed to be a very significant uplift from the starting point of 15 years to reflect the use of the large Kirpan alone, and before considering the other aggravating and mitigating features. As emphasised in *Kelly* at [8], the use of a knife is always an aggravating feature: "the question for the sentencing judge in the end is not for compartmentalisation of the specific offence within this or that paragraph of the Schedule but the proper judicial assessment of the appropriate sentence to reflect the facts of the individual case and its seriousness and such mitigating features as there may be".

43. Here, Digwa was carrying a large knife in the street. But for his religious affiliation to the Sikh faith, he would have been committing a criminal offence by simply taking the knife out in public. The right to carry a knife is a tenet of the Sikh faith which is respected in law. The religious reason for the initial carriage of the large Kirpan was not an aggravating factor. The material features were that the Kirpan was a large and highly dangerous weapon, that Digwa knowingly carried it in public and had immediate access to it, and that he deliberately drew used it to kill an unarmed and otherwise defenceless man. The fact that the initial carriage of a knife (or other bladed article) may have been lawful (whether for religious, work-related or other reason) does not reduce the seriousness of its subsequent lethal use. A person who knowingly carries a large knife (or other bladed article) in public, even if lawfully, and then uses it to kill an unarmed man after only a brief altercation is highly culpable. His culpability is much closer to that of a person who takes a weapon into the street for offensive use than to that of someone who kills without a weapon, or someone who picks up a weapon of opportunity only after the conflict has begun.

44. For that reason, we have concluded that, absent the other aggravating features and mitigating factors of the case to which we shall return, the culpability of the offender in this case would have merited a minimum term of at least 23 years.

45. In addition, we are sure that the further aggravating features of this murder had to be reflected in a substantial further uplift from that term. In particular we refer to the following features.

46. First, there were multiple stab wounds. We reject the submission that this was not properly to be treated as an aggravating factor. The number and location of the wounds demonstrate that this was not a single, impulsive movement.

47. Secondly, there was very significant mental suffering inflicted on Henry before he died. Digwa and his brother made abusive, hostile and dismissive remarks while he lay dying

on the ground. This was a consequence of Digwa's lies that it was Henry who had attacked Digwa, and that Digwa had not stabbed Henry. Digwa told these lies at a time when he must have known that Henry had suffered a really serious injury at his hands and was in need of help. He could not have known that Henry's injuries were unsurvivable. The mental suffering continued when the police handcuffed Henry, again in reliance on Digwa's false account that Henry was the aggressor in the incident and had not been stabbed.

48. We reject the submission that the judge was not entitled to find that Digwa had lied as set out above. There can of course be no doubt that Digwa lied about not having stabbed Henry. As for who was the aggressor, the jury rejected the defence case (including evidence from Digwa in the witness box) that Digwa was acting in lawful self-defence. That verdict did not, by itself, determine who initiated every stage of the encounter. The judge was entitled to make the finding to the criminal standard, based on all of the evidence, that Digwa was the aggressor. Although Henry had asked Digwa if he was "a bad man", it is obvious from the telephone footage that this was not a hostile act. As the judge recorded, it was not said in a threatening way. It was Digwa who thereafter approached Henry and snatched his phone from him, a phone which Digwa then retained. This was the first hostile act and use of force. Thereafter, Digwa received no significant injuries. Henry, by contrast, was fatally stabbed and received a number of other knife wounds.

49. Thirdly, the filming of the aftermath of the incident is a separate aggravating feature to the infliction of mental suffering, even if there is a connection between them. The filming was a deliberate act of degradation.

50. Fourthly, Digwa procured the removal of the murder weapon by handing it to his mother in order for her to remove it from the scene before the police arrived. He also retained Henry's phone, which contained the recording of the early stages of their encounter. There are two aspects to this: first, this meant that Henry could not summon help or contact his family; secondly, it had the effect of removing from the scene relevant evidence. The phone was not identified as belonging to Henry until some time after Digwa reached the police station.

51. We accept the submission for Digwa that there were other factors which are not properly capable of being treated as aggravating features, including: i) the community impact of this offending (which was unanticipated and unintended); ii) the vulnerability of Henry (who, as an 18 year old unarmed man was at a disadvantage, as opposed to being particularly vulnerable); and iii) dishonour of religion or increased hostility or fear within the Sikh community (when the court is concerned with Digwa's criminal conduct, not whether he had offended religious doctrine or with the reactions of third parties).

52. As set out above, Digwa also challenges the judge's finding that he had lied when he claimed that Henry had been racially abusive towards him before the violence began. We understand why, on the evidence as a whole, the judge reached that conclusion. Digwa was the only person to make the allegation; Henry denied it when he was being filmed and taunted on the ground; and Digwa had also lied about other matters. However, it is unnecessary for us to determine whether the allegation of racial abuse was false. Even if that finding is left out of account, it does not affect our assessment of the appropriate minimum term.

53. Given those factors that we have identified as properly aggravating this offending, we have concluded that a minimum term of at least 27 years would have been the appropriate minimum term before considering mitigation.

54. There were three substantial mitigating factors: Digwa's age, his previous good character (supported by two character references) and the lack of premeditation. Although he was aged 22 at the time of the murder and therefore in law an adult, Digwa's relative youth was relevant to the assessment of culpability. Taken together, his youth, previous good character and the lack of premeditation, we consider that a proportionate reduction was appropriate. This would have resulted in a minimum term of no less than 25 years.

The applications

55. With this, we turn next to the two applications before us.

56. Having reached the conclusion that the proper minimum term would be at least 25 years, we refuse Digwa leave to appeal against his sentence. It is unarguable that it is manifestly excessive.

57. As for the application to refer, we grant leave to the Attorney General.

58. We must then consider whether the sentence passed by the sentencing judge was unduly lenient. This is not simply an exercise in substituting our view of the case for his. References under s. 36 of the Criminal Justice Act 1988 are made for the purpose of the avoidance of gross error, the allaying of widespread public concern at what may appear to be an unduly lenient sentence, and the preservation of public confidence in cases where a judge appears to have departed to a substantial extent from the norms of sentencing generally applied by the courts in cases of a particular type: see *Attorney General's Reference (No. 132 of 2001)(R v Johnson)* [2002] EWCA Crim 1418; [2003] 1 Cr App R (S) 41 at [25] and *R v Singh and Awfarah* [2026] EWCA Crim 870 at [7] to [12]. As was emphasised in *R v Mohammed Arfan* [2022] EWCA Crim 1416 at [34], sentencing is an art and not a science, and leniency itself is not a vice. For appellate interference to be justified, the sentence in question must be not only lenient but unduly so. The sentence must fall outside the range of sentences which the judge at first instance might reasonably consider appropriate. We remind ourselves that the hurdle is a high one. Further, even if the court, having granted leave, determines that the sentence is unduly lenient, it still retains a discretion as to whether to increase the sentence.

59. The fact that we would have imposed a minimum term of at least 25 years does not, by itself, establish that a minimum term of 21 years was unduly lenient. We have nevertheless concluded that it did fall outside the range reasonably open to the judge. Although he identified many of the relevant features, the judge's overall assessment materially understated two distinct dimensions of the offending: first, the circumstances in which a large and immediately available dagger was used repeatedly with an intention to kill an unarmed man; and secondly, the deliberate cruelty, additional suffering and obstruction which followed the stabbing. A minimum term of 21 years did not adequately reflect the overall seriousness of the murder. It was not only lenient, but unduly so.

60. Therefore, we quash the minimum term of 21 years and replace it with a minimum term of 25 years. From that term must be deducted the 175 days spent in custody on remand, producing an operative minimum term of 24 years and 190 days.

61. All other elements of his sentence remain unchanged.

Conclusion

62. In conclusion:

i) we refuse the application of Digwa for leave to appeal against sentence;

ii) we grant leave to refer the case of Digwa and allow the Reference. The minimum term of 21 years will be quashed. In its place we substitute a minimum term of 25 years. From that term there must be deducted the 175 days spent in custody on remand, producing an operative minimum term of 24 years and 190 days.

63. The minimum term is the period which Digwa must serve before the Parole Board may consider whether it is safe to release him. It does not mean that he will automatically be released at the end of that period.