



Press Summary

27 July 2026

R v Sheikh and others (Respondents)

[2026] UKSC 28

On appeal from: [2025] EWCA Crim 38

Justices: Lord Reed (President), Lord Lloyd-Jones, Lord Burrows, Lady Rose and Lady Simler

Background to the Appeal

On 18 December 2023, Shagufa Sheikh, Khalid Majid Sheikh, Shabnam Shahzadi Sheikh and Asgar Sheikh (“**the respondents**”) were all convicted at Leeds Crown Court of offences of causing or allowing a vulnerable adult to suffer serious physical harm contrary to section 5 of the Domestic Violence, Crime and Victims Act 2004 as amended by the Domestic Violence, Crime and Victims (Amendment) Act 2012 (“**DVCVA 2004**”). The appeal concerns the effect of section 5(1)(d)(iii) which requires that the unlawful act which causes death or serious physical harm occurred in circumstances of the kind that the defendant foresaw or ought to have foreseen.

The victim of the offences was Ambreen Fatima Sheikh (“**Ambreen**”), a woman of 30 years of age. She was born in the Islamic Republic of Pakistan. On 3 May 2014, she entered into an arranged marriage with Asgar Sheikh who lived with his mother (Shabnam Shahzadi Sheikh), father (Khalid Majid Sheikh), his brother (Sakalyne Sheikh) and sister (Shagufa Yasmin Sheikh) in a mid-terrace house in West Yorkshire. On 16 November 2014, Ambreen arrived in the United Kingdom and lived with the respondents in that house.

On 1 August 2015, Shagufa Sheikh made an emergency call to the ambulance service in which she reported that Ambreen could not breathe properly. Ambreen had suffered a brain injury most likely caused by a hypoglycaemic coma. Ambreen has never recovered consciousness and remains alive, in a vegetative state, with a reduced life expectancy and requires constant support and care. On admission to hospital, the medical staff found a very severe lesion over her sacrum. The lesion must have been very painful, and the other members of the household must all have been aware of Ambreen’s condition.

At trial, the prosecution’s case was that Ambreen sustained serious physical harm in the form of a severe injury to the brain which rendered her deeply unconscious. The most likely cause was the ingestion of a small amount of glimepiride. This is an anti-diabetic medicine which had been prescribed to Shabnam Shahzadi Sheikh, who suffered from diabetes. Ambreen did

not suffer from diabetes. A very small amount of glimepiride can cause a non-diabetic person to enter a coma.

The family members' awareness of a significant risk of serious physical harm was alleged to arise from the sacral lesion on Ambreen's back. The prosecution maintained that the sacral lesion was caused by the unlawful and deliberate application of a caustic substance to the body of Ambreen which had taken place a number of days before she sustained the brain injury. The prosecution could not prove who had been responsible for inflicting either of these injuries but maintained that they were caused by one or more of the defendants. Consequently, the prosecution presented its case against the respondents and Sakalyne Sheikh on the basis that each defendant had "caused or allowed" the serious physical harm arising from the unlawful act.

At the conclusion of the prosecution case, the respondents submitted that no reasonable jury, properly directed, could convict them. The trial judge rejected these submissions. So far as section 5(1)(d)(iii) was concerned, the trial judge held that it was the circumstances rather than the unlawful act which must be of the kind that the defendant foresaw or ought to have foreseen. The circumstances did not have to be identical. This broad interpretation reflected the fact that offences of this sort tended to take place in private. She was therefore satisfied that there was sufficient evidence on which basis a reasonable jury could conclude that the unlawful act occurred in foreseen or foreseeable circumstances.

The respondents appealed against conviction to the Court of Appeal. The Court of Appeal allowed the appeal. In doing so it rejected a prosecution submission that "circumstances of the kind" under section 5(1)(d)(iii) will necessarily encapsulate all and any serious harm caused or inflicted by any unlawful means if it occurs within the domestic setting. It considered that the administration of a small quantity of glimepiride was so utterly different from the infliction of the sacral injury that it doubted that a reasonable jury could conclude that it "occurred in circumstances of the kind" that the defendants foresaw or ought to have foreseen. The Crown Prosecution Service now appeals to the Supreme Court.

Judgment

The Supreme Court unanimously allows the appeal. Lord Lloyd-Jones gives the judgment, with which Lord Reed, Lord Burrows, Lady Rose, and Lady Simler agree.

Reasons for the Judgment

Before a jury can convict a defendant of the offence under section 5 of "allowing a child or vulnerable adult to die or suffer serious physical harm" the prosecution must prove to the criminal standard the three matters set out in section 5(1)(d). Section 5(1)(d)(i) is concerned with actual or constructive awareness of the risk of serious physical harm. Section 5(1)(d)(ii) is concerned with the reasonable steps expected to be taken to protect against that risk. Section 5(1)(d)(iii) is concerned with the circumstances in which the act that caused the harm occurred [43]. Section 5(1)(d)(iii) is clearly intended to provide addition protection for the defendant over and above that afforded by section 5(1)(d)(i) and (ii) [42].

The purpose of the offence under section 5 is to remedy the problem which arises where the prosecution cannot prove which of two or more people in the same household as the victim caused the death or serious physical harm with the result that both must be acquitted [22], [37]. Offences of this sort committed against children and vulnerable adults tend to take place in private where the precise circumstances are not known and cannot be inferred. To require in every case a precise correspondence between the circumstances of the conduct establishing the risk of harm and those of unlawful act would unduly limit the protective scope of the offence. A broad interpretation of section 5(1)(d)(iii) is accordingly required [44].

The focus in section 5(1)(d)(iii) is not on the act but on the circumstances in which the act occurred. Parliament could have chosen to limit liability by requiring the defendant to have foresight of the act or kind of act which led to death or serious physical harm. Instead, it is the circumstances which must be of the kind that the defendant foresaw or ought to have foreseen. The language “circumstances of the kind” is also significant. The circumstances do not have to be identical [44].

It does not follow, however, that the nature of the act or the method of harm does not matter. Depending on the facts of each case, the boundary between an act and the circumstances in which it took place may not be precise and may on occasion be difficult to draw. These are matters which can be taken into account as part of the circumstances referred to in section 5(1)(d)(iii). However, a difference in the mechanism of infliction of harm will not necessarily be determinative of whether section 5(1)(d)(iii) is satisfied [45].

This interpretation does not mean that section 5(1)(d)(iii) is otiose. On the contrary it will often play an important role and afford valuable protection to the defendant. The risk of serious physical harm of which the defendant was or ought to have been aware under section 5(1)(d)(i) may be limited to certain kinds of circumstances, for example, where the perpetrator is intoxicated or an infant is crying for a prolonged period. Section 5(1)(d)(iii) will protect the defendant where the act occurred in circumstances of the kind which were not foreseen or foreseeable by the defendant [46].

The Court of Appeal wrongly treated the different method of injury as fatal to the requirement under 5(1)(d)(iii) and failed to consider all other relevant factors in deciding whether the unlawful act occurred in circumstances of the kind that were foreseen or foreseeable. In doing so, it took an unduly narrow view of “circumstances of the kind” in section 5(1)(d)(iii) [49], [68]. The Court of Appeal also erred in substituting its own view for that of the jury. Finally, the words “circumstances of the kind” in section 5(1)(d)(iii) have an ordinary meaning. It is not necessary for the judge to define what those words mean for the jury [49], [58].

References in square brackets are to paragraphs in the judgment.

NOTE:

This summary is provided to assist in understanding the Court’s decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [Decided cases - The Supreme Court](#)