

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2015 005207

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

*Section 67 of the **Coroners Act 2008***

Inquest into the Death of Sham Lal

Delivered On: 21 August 2025

Delivered At: Coroners Court of Victoria
65 Kavanagh Street, Southbank, 3006

Hearing Dates: 21 August 2025

Findings of: Judge John Cain, State Coroner

Counsel Assisting the Coroner: Ms Jess Syrjanen, Senior Coroner's Solicitor

Keywords: Homicide; uncharged homicide; extradition; knife-related injuries

INTRODUCTION

1. Sham Lal (**'Sham'**) was born in Mahilpur India on 25 October 1977 and was 37 years of age at the time of his death. On 14 October 2015, Sham died from multiple stab wounds following an altercation at premises at 12 Daley Street Glenroy Victoria (**'the Daley Street house'**). At the time of his death, he had fled the Daley Street house and was travelling in a motor vehicle that collided with the roundabout at the intersection of Widford and Daley Streets Glenroy. Members of the public and emergency services administered first aid but despite their efforts, Sham died at the scene.

THE CORONIAL INVESTIGATION

2. Sham's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (**the Act**). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury. Sham's death appears to be unexpected and violent.
3. Pursuant to section 52(2) of the Act, it is mandatory for a coroner to hold an inquest if the death occurred in Victoria and a coroner suspects the death was as a result of homicide and no person or persons have been charged with an indictable offence in respect of the death.
4. The jurisdiction of the Coroners Court of Victoria is inquisitorial. The Act provides for a system whereby reportable deaths are independently investigated to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which death occurred.
5. It is not the role of the coroner to lay or apportion blame, but to establish the facts. It is not the coroner's role to determine criminal or civil liability arising from the death under investigation, or to determine disciplinary matters.
6. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to

the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.

7. The expression “*cause of death*” refers to the medical cause of death, incorporating where possible, the mode or mechanism of death.
8. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
9. Victoria Police assigned an officer to be the Coronial Investigator for the investigation of Sham’s death. The Coronial Investigator conducted inquiries on my behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians and investigating officers – and submitted a coronial brief of evidence.
10. This finding draws on the totality of the coronial investigation into the death of Sham Lal. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.¹

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Background

11. Sham worked as a photographer but as this work was sporadic, he also worked part time for a friend, Amit Pubbi (**Mr Pubbi**). Mr Pubbi traded second hand phones and from time to time, Sham assisted him collecting mobile phones that had been purchased. On 14 October 2015, Sham travelled to Mr Pubbi’s home in a motor vehicle he had borrowed from his housemate arriving early in the morning. He was directed by Mr Pubbi to collect a phone from a person in Sunshine and then travel to Glenroy to collect two phones from Muhammad

¹ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

Soban Malik (**Mr Malik**). Mr Pubbi had not met Mr Mallik but had previously purchased phones from him.

Circumstances in which the death occurred

12. Sham left Mr Pubbi's home and as instructed, travelled to Sunshine and picked up the phone. He then travelled to the Daley Street house, arriving at approximately 12.30pm. On arrival at the Daley Street house, Sham was met at the front door of the house by Mr Malik who informed him that he did not have the two mobile phones to sell to Mr Pubbi as he had expected to be able to easily acquire the two phones, but this had not been possible.
13. As a gesture of good will, Mr Malik offered to sell his own personal phone to Mr Pubbi, and he went into the bedroom to retrieve the phone where it had been on a charger. Sham entered house moving to the lounge room area and waited for Mr Mallik to return from the bedroom. Mr Malik stated that as he came out of the bedroom with the phone in his hand, (he was sending a message to his girlfriend in Pakistan) Sham grabbed the mobile from Mr Malik's hand, produced a knife and threatened Mr Malik. Mr Malik retreated into the loungeroom away from the bedroom door area. According to Mr Malik, Sham pursued him into the loungeroom and slashed Mr Malik's hand with the knife, causing a significant injury (severing four tendons in his hand).
14. Mr Malik stated that he then picked up a Swiss army knife that he had left on the couch (he had been using it to strip electrical wires earlier in the day) moved into a squatting position on the floor and started wielding the knife in Sham's direction, making contact with Sham. He stated that he was unable to say what part of the body he contacted or how many times he made contact and claimed that he was looking away to protect his face from the attack. He acknowledged that that when he dropped the knife it had blood on it.
15. Sham ran from the Daly Street house to his car and attempted to drive away. A short distance from Mr Malik's house, he struck a roundabout at the intersection of Daley and Widford Streets. Members of the public rendered first aid and emergency services were called but despite their best efforts.

Identity of the deceased

16. On 16 October 2015, Coroner Rosemary Carlin, as her Honour then was, reviewed the police report of death, the statement of identification and the admission photograph of the deceased and determined that the identity of the deceased was Sham Lal, born 25 October 1977.
17. Identity is not in dispute and requires no further investigation.

Medical cause of death

18. Forensic Pathologist Dr Matthew Lynch from the Victorian Institute of Forensic Medicine (VIFM) conducted an autopsy on 15 October 2015 and provided a written report of his findings dated 1 February 2016.
19. At autopsy Dr Lynch noted:
 - a) A total of nine sharp force injuries were identified.
 - b) There were four sharp force injuries to the head, two to the right clavicular region, one to the left chest, one to the abdomen and one to the left upper arm.
 - c) The sharp force stab wound in the epigastric region of the abdomen passed anteriorly to posteriorly, below to above, and very slightly right to left. It had an approximate wound depth of between 10-15 cm and passed through skin, subcutaneous fat, muscle, stomach, liver, left hemidiaphragm and heart. It was associated with extensive internal haemorrhage in both the chest and abdomen and with pneumothoraxes.
 - d) The sharp force injury to the left cheek had a depth of approximately 2 cm extending to the left middle cranial fossa of the skull.
 - e) The sharp force injury to the region of the left external ear transected the left cheek injury and extended to the region of the left carotid sheath and was associated with damage to branches of the left external carotid artery.

- f) The sharp force injury to the left parietal region of the scalp was associated with a depressed fracture of the parietal bone.
20. Toxicological analysis of post-mortem samples did not identify the presence of any alcohol or other common drugs or poisons.
21. Dr Lynch provided an opinion that the medical cause of death was *1(a) Stab injuries to neck, chest and abdomen.*
22. I accept Dr Lynch's opinion.

FURTHER INVESTIGATIONS BY POLICE

23. Police attended at the Daley Street house and established a crime scene. They observed a significant amount of blood at the front door of the house with blood splatter around the walls of the main living room and hallway. Police also located several knives at the house and personal documents in the name of Mr Malik and Sohail Khan.
24. Police were able to identify the mobile phone that Mr Malik was using and tracked the phone to Melbourne Airport. Police attended Melbourne Airport and arrested Mr Malik before he was able to board a plane for Pakistan.
25. Police interviewed Mr Malik, and he explained that he was unable to source the two phones as he had promised Mr Pubbi, but did offer to sell his own personal iPhone 6. He went to the bedroom to get the phone from the charger and when he came out of the bedroom, he stated that he was attacked by Sham who had a knife and slashed his hand. In response to this attack Mr Mallik stated he was able to pick up a Swiss army knife from the couch which he had previously been using to strip some electrical wires. He opened a blade on the knife, moved onto the floor and attempted to protect himself by swinging the knife upward towards Sham. Mr Malik was not able to say where he made contact with Sham or how many times he made contact. Following this altercation, Sham left the house, and Mr Malik closed the front door and did not see him again.
26. Mr Mallik stated that he did not want to stay in the house as he feared that Sham may return. He went to the bathroom where he cleaned and bandaged the injury to his hand.

27. Mr Malik had previously purchased an airline ticket to Pakistan, so he left the house and travelled to Melbourne Airport, intending to travel to Pakistan. Whilst at the airport, he spoke to his father in Pakistan and was advised by his father to have his injuries attended to and contact police. Until he was advised by police, Mr Malik did not know that Sham had been fatally wounded.
28. Police released Mr Malik without charge, pending further investigation.
29. On Friday October 16, 2015, Mr Malik's father, Nisir, spoke to an acquaintance in Melbourne, Waqar Franz, and asked him to take care of Mr Malik as there had been an incident and someone had died. The precise details of what had occurred were not conveyed to Mr Franz. Mr Malik provided an explanation to Mr Franz on Saturday 17 October 2015. It appears that Mr Franz took care of Mr Malik until 7 November 2015. International travel records show that Mr Malik boarded a flight to Pakistan on 7 November 2015 and has not returned to Australia since.
30. Police have made attempts to contact Mr Malik in Islamabad where it is understood he is living. They have spoken to Nisar by phone and communicated by email. Nisar has provided information about his son's involvement with the death of Sham. No statements have been obtained, and police believe that if they were able to travel to Pakistan, India or Dubai that Nisar and Sohail Khan (Mr Malik's housemate in Melbourne) would be prepared to meet and provide statements to Victoria Police. Victoria Police's attempts to contact Aisha Malik, Mr Malik's fiancée, have been unsuccessful to date.
31. As Nisar and Sohail Khan advised that they were prepared to travel at their own expense to a nominated destination in either India, Pakistan or Dubai, investigating police submitted a request to senior command in Victoria Police for permission to travel to conduct these interviews. To date, approval for travel has not been authorised.
32. Although there is an extradition treaty between Australia and Pakistan signed on 16 March 2000, it has not yet entered into force. Therefore, unless Mr Malik voluntarily returns to Australia, there are very limited options available to police to compel his return.

CORONIAL INVESTIGATION

33. Sham's death occurred some 10 years ago, and Police have been unable to progress the investigation further as Mr Malik is currently residing in Pakistan. In the circumstances, I am satisfied that no further investigation which I am empowered to undertake, would be likely to result in additional evidence being obtained as to the circumstances of Sham's death.
34. It is important to note that it is not the purpose of a coronial investigation to investigate possible criminal conduct to compile a brief of evidence in preparation for a future criminal trial. Section 69 of the Act expressly prohibits a coroner from including in a finding or a comment, any statement that a person is or may be guilty of an offence.
35. In making this finding, I have been careful not to compromise any potential criminal prosecution in the course of my investigation, mindful that Sham's death may be the result of a homicide.

Response to procedural fairness; new facts and circumstances

36. As a matter of procedural fairness, the Court wrote to Mr Malik in both English and Punjabi via international post and email to provide him with an opportunity to respond to the allegations against him. Mr Malik did not respond. Victoria Police noted that he has been difficult to engage with and communicate with during their nearly ten-year investigation.
37. I note that if new facts and circumstances become available in the future, section 77 of the Act allows any person to apply to the Court for an order that some or all of these findings be set aside. Any such application would be assessed on its merits at the time. New facts and circumstances may include any response or submissions by Mr Malik.

FINDINGS AND CONCLUSION

38. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
 - a) the identity of the deceased was Sham Lal, born 25 October 1977.
 - b) the death occurred on 14 October 2015 at intersection of Daley and Widford Streets, Glenroy, Victoria, 3046, from stab injuries to neck, chest and abdomen; and

- c) the death occurred in the circumstances described above.
- d) Having reviewed all the available evidence I am satisfied to the coronial standard of proof that Sham's death was the result of knife wounds he sustained in an altercation with Mr Malik on 14 October 2015 at 12 Daley Street Glenroy.

I convey my sincere condolences to Sham's family for their loss.

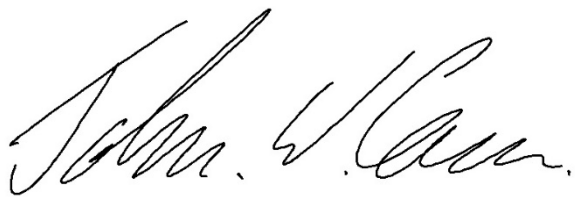
Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

I direct that a copy of this finding be provided to the following:

Vidya Devi, Senior Next of Kin

Leading Senior Constable Lisa Metcher, Coronial Investigator

Signature:



Date: 21 August 2025

NOTE: Under section 83 of the ***Coroners Act 2008*** ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
