

# Mercy killing was not murder, top judge rules

By **Olivia Rudgard** SOCIAL AFFAIRS CORRESPONDENT

A HIGH Court judge has thrown out a murder charge against a chemist who admitted the mercy killing of his father as he said a conviction would have been "perverse and irrational".

Mr Justice Green said that Bipin Desai had been "wrongfully accused of murder" and told the jury to deliver not guilty verdicts.

The jury had earlier heard how Desai had poured a highly concentrated dose of morphine into a smoothie for his father, Dhirajlal Desai, 85, at their Surrey home.

He checked on him five minutes later and then injected him with insulin as he slept, the jury had heard.

The 59-year-old had been prosecuted for murder and assisting in a suicide. The judge ruled that Mr Desai had wanted to die and said there was no basis for a murder conviction.

The judge said the evidence "provides no support for the prosecution case, to

the contrary it unequivocally supports the defence position that this is assisted suicide but not murder."

He said: "Your acts of assistance were acts of pure compassion and mercy. Your father had a solid and firm wish to die. For him, being assisted to die would be fulfilling his wish and being put out of his misery."

Defending, **Natasha Wong** QC said: "The reality, in this case, is a very sad situation because what we have is a man who wanted to die, not because he was terribly ill but, sadly, because he had just had enough and there are no real authorities who deal with that situation."

Desai also admitted two charges of theft by an employee, relating to the insulin and morphine.

Sentencing Desai, Mr Justice Green indicated that it was only for the assisted suicide. "The thefts are trivial and only form part of the fabric of the wider case." He was allowed to go free with a nine-month jail sentence suspended for nine months.

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