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FINAL ACTS OF THE PRELIMINARY INVESTIGATION AS A KIND OF PROCEDURAL APPEALS

INTRODUCTION

The accusation is also contained in the victim's statement on the criminal case of a private prosecution. Having the same meaning for the court as , for example, an indictment, the victim's statement still differs from the final procedural acts of the preliminary investigation bodies. The victim's statement is only a procedural appeal, whereas the final act of the preliminary investigation, with which the criminal case is sent to court, always combines the features of a procedural appeal and an act of applying the law. That is why, unlike a statement on a criminal case of a private prosecution, the indictment, as in other final acts of the preliminary investigation, always expresses the will of two ruling subjects – the investigator and the prosecutor [6, pp. 118-119] (in some cases, the head of the investigative body). This feature is explained by the fact that in the final act of the preliminary investigation, the essence of the prosecution's claims in court is formulated on the basis of the results of previous procedural activities, which are stated by the official who conducted the investigation, and evaluated by a higher official (prosecutor or head of the investigative body).

In the modern organization of criminal procedural activity, the division of the prosecutorial power into investigative and prosecutorial is accepted, which, among other things, manifests itself in the temporal fragmentation of the function of criminal prosecution. The initiation of a criminal case and the preliminary investigation constitute the pretrial preparation of the prosecution for the trial carried out by the investigative authority. The purpose of this stage is to provide the public prosecutor with evidentiary material, on the basis of which he will be able to seek to bring the guilty person to criminal responsibility or to apply other measures of a criminal nature to the person during the trial. The second stage of criminal prosecution, which begins from the moment the prosecutor approves the indictment, is expressed in the maintenance of the state prosecution, which belongs to the exclusive competence of the prosecutorial power.

At the moment of approval by the prosecutor of the final act of the preliminary investigation, the subject of criminal prosecution changes – this procedural function, like a relay race, passes from the body of the preliminary investigation to the prosecutor. It is the participation of the prosecutor in the final act of the preliminary investigation, expressed in its approval, that gives this criminal procedural act the features of both an act of application of law and procedural treatment.

So, approving the indictment Petitions and complaints as a means to ensure justice, an indictment or other final act of the preliminary investigation, the prosecutor gives a legal assessment of all previous procedural activities, recognizing it as legitimate and justified, There by completing the stage of the preliminary investigation. Based on the decision taken by the prosecutor, the criminal case moves from one stage to another. This expresses the law enforcement nature of the final acts of the preliminary investigation, as well as their difference from the victim's statement in the case of a private prosecution, the filing of which is not preceded by any procedural activity.

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