N. Karpov
Doctor of Law Sciences, Professor,
Professor at the Department of Criminal Procedure,
National Academy of Internal Affairs of Ukraine

CONDUCTING SHORT TRIAL IN CRIMINAL PROCEEDING

This article analyzes the legal literature on conduct of a short trial. The analysis of problematic issues of the subject at issue was carried out. Detailed conclusions and proposals as for the short trial in criminal proceedings were developed. The relevance of the topic is determined by the fact that the trial is the central stage of the criminal procedure. Such a trial is a legally established system of court proceedings and participants in criminal proceedings, the consistent implementation of which is aimed at a comprehensive, complete and objective investigation of materials of criminal proceedings and adoption of lawful, reasonable and fair judgment".

Part 3 of Article 349 of the Criminal Procedure Code states that the court has the right, if the participants in court proceedings do not object thereto, to find that examination of evidence in respect of indisputable circumstances is unnecessary. In so doing, the court ascertains whether said persons understand correctly the contents of such circumstances, whether there are no doubts regarding voluntary nature of their position, as well as explains to them that in such a case they will be deprived of the right to challenge these circumstances by way of appeal.

We are talking about a significant simplification of the procedure of judicial review and conduct of short proceeding (according to the terminology of the new Criminal Procedure Code – trial). The purpose of the establishment of such a procedure is the acceleration of criminal proceedings, the adoption of decision in conditions of procedural and resource economy.

In this article the conclusions are drawn that the conduct of short trial is in conflict with the above principles of criminal proceedings. We agree with the proposal expressed by scientists that part 3 of Article 349 should be excluded from the CPC of Ukraine.