

Indictment

A pleading filed with the court in criminal proceedings by an authorized entity, in which it demands that the court issue a ruling on guilt and punishment or punitive measures against the person indicated in the pleading. As a rule, the entity entitled to file an indictment is a person who has the right to appear before the court as a public prosecutor, sometimes the aggrieved party or a person closest to him as a private prosecutor. If certain conditions are met, the indictment before the court may be supported by an auxiliary prosecutor alongside or instead of the public prosecutor. As a rule, the public prosecutor is the prosecutor. The public prosecutor may also be, m.in, the Police - in this case, the prosecutor approves the indictment prepared by the Police in the investigation and submits it to the court. In addition to the indictment filed by the public prosecutor, a private indictment can be distinguished, most often filed by the aggrieved party in the case of crimes prosecuted by private prosecution. The filing of an indictment in a case prosecuted by a public prosecutor by an entity other than the public prosecutor means that the entitled entity then acts as a subsidiary prosecutor. The indictment should include: the name and surname of the defendant, other data about his person and data on the application of a preventive measure, a precise description of the act charged with the defendant, indicating the time, place, manner and circumstances of its commission and the consequences, and in particular the amount of the damage caused, an indication that the act was committed under the conditions listed in Article 64 of the Penal Code or in Article 37 § 1 item 4 of the Penal Fiscal Code, indication of the provisions of the criminal law under which the alleged act falls, indication of the court competent to hear the case and the course of proceedings, justification of the accusation.