

Subsidiary prosecutor

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. This is possible only after the following actions have been taken: 1. The prosecutor refuses to initiate preparatory proceedings or discontinues the initiated proceedings, 2. The decision has been appealed against by a complaint to the court (Article 306 §1 in connection with Article 465 §2), 3. The court repeals the decision of the prosecutor, indicating the reasons for the revocation, possibly also the circumstances that should be clarified or the actions that should be carried out, 4. The prosecutor conducting the proceedings again finds no grounds for initiating. After these steps, the entitled person may file an indictment in the case prosecuted by the public prosecutor, which must be drawn up and signed by a lawyer (attorney's obligation).