

UDC 343.1(477)

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CONSIDERATION OF PETITIONS DURING PRE-TRIAL INVESTIGATION: DEBATABLE ASPECTS

It is emphasized that in the CPC of Ukraine the legislator, firstly, did not provide a clear list of petitions that can be filed by the relevant participants in criminal proceedings; secondly, there are no grounds for the investigator, prosecutor in refusing or granting the request. In addition, an attention is drawn to the fact that, having established the term of consideration of the petition, the legislator did not foresee the exact term of the investigator, prosecutor should start executing it, which should be defined as a gap which in the practice can cause a number of problems.

It is determined that one of the disadvantages of the provisions of Part 1 of Art. 220 of the CPC of Ukraine is their absoluteness, which is evidenced by the use by the legislator of the phrase "to satisfy them if there are appropriate grounds". It is noted that the "relevant grounds" are in no way detailed in the provisions of the current criminal procedural legislation. In view of this, it is necessary to take into account the grounds for carrying out the procedural actions provided for in the CPC of Ukraine, which will correspond to Art. 9 of the CPC of Ukraine.

The absence in the provision of Part 1 of Art. 220 CPC of Ukraine the indication to some participants in criminal proceedings, in particular: the civil claimant; civil plaintiff's representative; civil defendant; representative of civil

defendant; the third party whose property is being seized; another person whose rights or legitimate interests are restricted in the course of the pre-trial investigation; a person in respect of whom extradition and his / her representative is extradited. Therefore, these participants are deprived of the opportunity to seek procedural actions that do not comply with general principles of criminal proceedings.

Attention is drawn to the lack of prescriptions of item 7 of Art. 303 (1) of the Criminal Procedural Code of Ukraine, which provides the opportunity to appeal only the decision of the investigator, prosecutor to refuse to satisfy the request for investigative activities, undercover investigative activities. At the same time, the legislator limited the right to appeal the refusal to carry out other procedural actions, which were requested by the respective participant within the limits of Art. 220 CPC of Ukraine.

On the basis of the conducted research, it is proposed to amend accordingly Article 220 and Article 303 (1) of the Criminal Procedural Code of Ukraine.

Keywords: *petition, pre-trial investigation, criminal proceedings, classification of petitions, investigator, prosecutor, Criminal Procedural Code of Ukraine.*

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Received: 28.08.2019