

Abstract

The thesis includes the analysis of the preliminary hearing of the indictment institute as an optional part of criminal proceedings, which follows after bringing an indictment to court. The thesis is focused on summary of theoretical findings, which draws mainly from the commentary literature, but a key focus of the thesis is the analysis of relevant judicial decisions that relate to the institute investigated. The thesis works in particular with the decisions of the Supreme Court of the Czech Republic and High Courts, to a lesser extent with decisions of the Constitutional Court of the Czech Republic and several regional courts are used.

The text is (except introduction and conclusion) divided into eight parts. The first part contains an explanation of the concept of preliminary hearing of the indictment. Next part of the thesis is focused on the historical development of the preliminary hearing of the indictment, from 1850 to the present. This part also summarizes the most important amendments of the currently effective Criminal Procedure Code.

Following parts are focused on explanation of purpose of preliminary hearing of the indictment and explanation of the difference between this and the obligatory review of indictment in accordance with § 181 par. 1 and 185 par. 1 of the Criminal Procedure Code.

The fundamental part of the work is the analysis of the various reasons for a preliminary hearing of the indictment. In this chapter, priority is given to the reasons, resulting in serious defects in the pre-trial proceedings and the lack of explication of a matter. The thesis works with the most important amendments of Criminal Procedure Code and try to evaluate whether, even after their adoption, earlier case law is still applicable.

The last part describes the result of the research, which was conducted through questionnaires sent to all district and regional courts. This chapter of the thesis is focused on finding out how often the courts are using preliminary hearing of the indictment, for what reason, how often is decided in a public session and in how many cases it is decided to return the case to the prosecutor for further investigation in accordance with § 188 par.1 point. e) of Criminal Procedure Code.