

RESUMÉ

Having in mind fundamental principles in the litigation procedure, and considering an inefficient system of judicial remedies in the criminal procedure, the Czech legislators passed a Bill No. 265/2001 Coll., whereby a new extraordinary legal remedy has been incorporated into the Czech legal system, i.e. an Appellate review. Hence, the instrument in question is an underlying subject of the respective thesis.

In accordance with section 265a, and subsequent of the Czech Criminal Procedure Code No. 141/1961 Coll, as amended (hereinafter referred to as the „**Criminal Procedure Code**“) the Appellate review as an extraordinary legal remedy conveys substantial right to the parties involved in the criminal procedure to invoke the opportunity to challenge the merits of a judgment and allege errors of law not fact, thus pray through submission of a petition in its relief for both reversion and vacation of judgement which is already executable. In other words, the said instrument may overturn for instance a defendant's guilty conviction by finding some error in the original trial. Irrespectively on foregoing it is pertinent to indicate that such a possibility is subject to the strict conditions set forth in the Criminal Procedure Code (i.e. enumeration of contested decisions, grounds for the review, individuals entitled for an appeal etc.), and which have to met bar none.

Thus, the instrument in question shall be initiated by filling the respective petition by the party, either defendant or prosecution, commonly known as the „*petitioner*“, who is not pleased with an actual outcome of his appeal. On the other hand, the adverse party in prospective procedure is known as the „*respondent*“.

Noteworthy, the commencement of the Appellate review proceedings is not subject to any discretionary judicial power unlike both the Writ of certiorari and Writ of habeas corpus in United States. The Czech Supreme Court as subject-matter court is both obliged and entitled to solely assess in pre-trial whether required conditions are met or not. Should the Czech Supreme Court reach the affirmative conclusion, the Appellate proceedings shall commence immediately.

In the first Chapter is provided the brief introduction into matters in question taking into consideration a realm of plausible readers.

The second Chapter includes the very subject-matter of this thesis, and therefore should be considered with a relevant vigilance, and thus be subject to a paramount reader's scrutiny. In particular, it contains matters concerning both introductory words and quite extensive analysis of the extraordinary legal remedy in question itself, including dilemma of conditions which have to be met in order to found legitimate the petition for appellate review to commence appellate proceedings, e.g. grounds for appellate review, deadline for filling the petition etc.

The third Chapter involves an illustration of a petition for Appellate Review. The very intend of the said Chapter is to render to addressees of this thesis a basic preview in matters concerning the petition.

The fourth and final Chapter contains conclusion of foregoing matters, and likewise the writer's perception on and suggestions of future development of legislation with regard to the Appellate review in the Criminal Procedure Code.