

Abstract

Criminal warrant represents a decision in criminal matters which is also special manner of criminal procedure. A single judge is empowered to issue a criminal warrant without trying the matter in the main trial if the facts are reliably proved by evidences. It is regulated by the section 314e and following of the Criminal Procedure Code.

It diverse from regular criminal proceeding, because it is in fact a way of simplified and written procedure. These characteristics are also the reasons why criminal warrant is criticized by professionals. Such a diversion from regular criminal proceeding is being called as a violation of right to a fair trial by many authors. Considering such institute from the point of view of basic principles of criminal proceeding, including right to fair trial, emerge in each of six chapters of this thesis, while it forms a crucial and final part of this thesis. At the beginning is a criminal warrant introduced as a decision in a criminal matters, a special manner in criminal proceeding and diversion of criminal procedure. In order to understand applicable legal regulation of criminal warrant which is described in chapter three, the second chapter is designated to historical review. In the fourth chapter of this thesis I deal with rights of appeal, including a statement of opposition. Before confrontation with principals of criminal proceeding I also dealt with the position of injured party in case of issuance of criminal warrant in chapter five.

Despite of few deficiencies of the legal regulation, the criminal warrant is suitable with the right to fair trial, especially in case of proper exercise of the right of defense.