

SUMMARIES

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SOME PROBLEMS OF AN EXAMINATION AT THE PRE-TRIAL PROCEEDINGS

The study authors analyzed case by case, which occurred in the practice of investigation and concluded that regulate the appointment and examination in the current Criminal Procedure Code of Ukraine is not perfect, because it involves a repeat examination in case of an error an expert or his abuse.

From the circumstances of the criminal proceedings, the analyzed traces: on the third day after the crime forensic expert examined the victim and made a forensic medical examination, where enshrined found on the body of the victim's minor injuries without injury to health. In this act of expert carefully described, discovered the injuries and the victim stated that the consciousness of his injuries at the time of the offense did not lose, and these statements it is also reflected in the conclusions. 10 days after the victim turned to the neurologist and he allegedly showed the victim a concussion that was diagnosed with a statement of the victim's loss of consciousness.

Based on the diagnosis neurologist medical examiner concluded that the severity of the injuries found on the body of the victim relating to the light of the injury to health. This change in the severity of injuries to two conclusions one expert demonstrates his incompetence as an expert or a possible interest or negligence.

The study draws attention that the current Criminal Procedure Code of Ukraine does not provide and does not provide for the possibility of judicial re- examination of the mandatory involvement of another expert.

The authors propose to amend Article 243 of the Criminal Procedural Code of Ukraine with a new part, according to which, if the expert opinion during the preliminary investigation is found to be unreasonable or other circumstances cause doubt its accuracy, can be designed to re-examination, which is assigned to a different expert or other experts.