



The procedural framework for carrying out on-site investigations in road accidents

Adrian IACOB PhD¹, Catalin GEORGESCU²

ARTICLE INFO

Article history:

Received 15.07.2016

Reviewed 22.08.2016

Confirmed 28.08.2016

Pages/words: 4/3000

Keywords

Traffic accident

On-site investigation

Preliminary complaint

Injured person

Criminal proceedings

ABSTRACT

The matter at hand is if, immediately after the accident, if the injured party is unable to express willpower, the criminal proceedings regarding the act can be started. The above stated show that, in order to have probative value, the on-site investigation must be made after the initiation of the criminal investigation regarding the act. It is a question to what extent, the Criminal investigation body can order in this respect, as long as the injured person has not filed a preliminary complaint. In the case law was questioned in what way the on-site investigation in road accidents with casualties can be performed during the criminal trial, according to the provisions of article 97 paragraph 2 of the Criminal Procedural Code, because the offence of injury by negligence is punished, regardless of the severity, after a preliminary complaint filed by the injured person (article 196 paragraph 6 of the Criminal Code).

Contents

1. Introduction.....	15
2. Criminal procedural code.....	15
3. On-site investigation in traffic accidents.....	17
4. Conclusions.....	18
5. Reference Text and Citations.....	18

♦♦♦♦

¹ Alexandru Ioan Cuza Police Academy, Romania, ady_iacob28@yahoo.com

² General Directorate of Romanian Police, Ilfov County Police, catageorgescu7@gmail.com