

PYTJE DHE PERGJIGJE NGA E DREJTA E PROCEDURES PENALE

PROF.DR.AZEM HAJDARI

1.Perjashtimi I gjygtarit prej gjykimi ?

1.Ne procedur penale egzistojn shkaqe te ndryshme te cilat mund te sjellin deri te perjashtimi I gjytarit gjegjsisht gjygtarit porot nga gjykimi ,pasha e ketyre shkaqeve esht e natyrav te ndryshme

-Si do qofr conform nenit 39 te kodit te procedures penale gjygtari ose gjygtari porot duhet te perjashtohet nga ushtrimi I funksionit gjygjsor ne raste kur aj eshte :

1.I demtuar me veper penale .Denimi mund te jet I karakterit material ose moral dhe aj zakonisht lind nga mardhenjet e gjygtarit em personin konkret I cili paraqitet ne cilsin e personit te akuzuar I till p.sh mind te jet rasti kur gjygtari esht victim e vepres penale te lendimit trupor

2.Bashkshort ,bashkshort jasht martesor person ne afri gjinaje ne vij te drejt te qfar do shkall ose ne vij ansore deri ne shkallen e kater personi ne afri krushqie deri em shkallen e dyt me te pandehurin ,mbrojtsin e tij ,prokurorin e shtetit ,te demturin ,perfaqsusin e tij ligjor ose perfaqsusin e autorizuar

3.Kujdestar ligjor ,nen kujdestari ligjore ,femij I adaptuar ,ose prind adaptus prind birsus ose femije I birsuar I te pandehurit ,mbrojtsit te tij ,prokurorit te shtetit ose te demtuarit .

2.I pa ndehuri ?

2.I pa ndehur eshte subjekt qendror ne proceduren penale ndaj te cilit eshte drejtuar kërkesa procedurale gjëgjesisht ndaj të cilit fillohet dhe zhvillohet procedur penale .Në kodin e procedures penale nuk është sajuar ndonje kapitull I veqant I cili normon poziten e të pandehurit ne procedur penale

.Mirpo nuk do te thot se ket qeshtje ky kod nuk e ka trajtuar fare .Në të vertet jan te shumta dispozita ligjore që kodit I procedures penale I përmban ne form shpërdarse për të pa ndehurin ne shumë kapituj te tij

"I pandehur" kunder te cilit zbatohet procedur penale gjegjesisht ndaj te cilit zhvillohen hetime kjo shprehje perdoret edhe si emertim I përgjithshem per te pandehurin te akuzuarin dhe te demuarin .

3.Arresti shtëpiak ?

3.Arresti shtëpijak është mas per sigurimin e të pa ndehurit ne procedure penale e cila konsiston ne vendosjen e detyrimit ndaj te pandehurit që aj te

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