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LEGAL CONSEQUENCES OF DECLARING EVIDENCE INADMISSIBLE

Research article analyzes the possible legal consequences of declaring evidence inadmissible. It is determined that each procedural decision made by the investigator

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during the pre-trial investigation, as a rule, causes legal consequences, which can be divided into positive – those that help establish all the circumstances of the case and punish the perpetrators, and negative ones – as a result of which evidence collected may be declared inadmissible and cannot be used in making procedural decisions, etc.

In particular, the legal consequences of declaring evidence inadmissible during the pre-trial investigation should be considered the cancellation by the prosecutor of the investigator's decision made on the basis of this evidence, as a result of which it is impossible to use such evidence in the evidentiary process. Inadmissible evidence cannot be used in making procedural decisions, it cannot be referred to by the court when making court decisions. That is, declaring evidence inadmissible entails legal consequences that depend on its probative value for criminal proceedings.

It should also be noted that one of the legal consequences of declaring evidence inadmissible is the court's acquittal. However, among the grounds for the court's acquittal is missing – the recognition of evidence inadmissible. According to Article 373 of the CPC of Ukraine, an acquittal is passed if it is not proved that: a criminal offense has been committed, in which the person is accused; criminal offense committed by the accused; in the act of the accused there is a corpus delicti.

The legal consequences of declaring evidence inadmissible should also include decisions that the prosecutor is authorized to make, namely: filing a motion to terminate the examination of the evidence of the defense in case of its obvious inadmissibility; denial of charges; change of charge; drawing up an indictment with the wording of the amended charge. For the accused, ones the recognition of evidence inadmissible in court, as a consequence, may be prosecuted for a less serious criminal offense, or a reduction in the amount of charges against him, and so on. Also, in the absence of admissible evidenc, the court may acquit a person of one or more episodes of criminal proceedings.

Keywords: criminal proceedings, legal consequences, pre-trial investigation, evidence, investigator, procedural decision, norms of criminal procedural law, criminal procedural sanction.

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