

Penal Code

Art. 161. (1) (Amend. - SG 28/82, in force from 01.07.19; amend. - SG 89/86; amend. - SG 50/95; amend. - SG 21/00, prev. text of Art. 161 - SG 92/02; amend. - SG 26/04, amend. - SG 16/19) For a light bodily harm under art. 130 and Art. 131, para 1, item 3 - 5, for a light and average bodily harm under art. 132, for the crimes under art. 144, para 1, Art. 145, 146 - 148a, as well as for a bodily harm under art. 132, 133 and 134 inflicted on an ascendant, descendant, spouse, brother or sister the criminal proceedings shall be instituted upon a complaint of the aggrieved.

(2) (New - SG 92/02, amend. - SG 16/19) For bodily harm under Art. 129, caused to an ascendant, descendant, spouse, brother or sister, as well as for crimes under art. 133, art. 135, para 1, 3 and 4, art. 139 -141 and Art. 144a, Para. 1, the criminal prosecution of general nature shall be instituted upon a complaint of the aggrieved to the prosecution and it cannot be terminated at his request.

Criminal Procedure Code

Chapter seventeen

Investigation

Section I

Institution of pre-trial proceedings and conduct of the investigation

Conditions for the institution of pre-trial proceedings

Article 207

(1) Pre-trial proceedings shall be instituted where there is a statutory occasion and sufficient information about the perpetration of a crime.

(2) In the hypotheses set out in the Special Part of the Criminal Code, publicly actionable proceedings shall be instituted upon the victim's private complaint addressed to the prosecution office and these shall not be susceptible of termination on grounds of Article 24, Paragraph 1, item 9.

(3) The complaint shall be required to contain information about the author and to be signed by him/her.

(4) No state fees shall be due at the moment the complaint is filed.

Statutory occasions

Article 208

The following shall be considered statutory occasions for the commencement of investigation:

1. a notice sent to the pre-trial authorities of the perpetration of a criminal offence;
2. information about a perpetrated criminal offence, distributed by the mass media;
3. appearance of the perpetrator in person before the pre-trial authorities with a confession about a perpetrated crime;
4. direct discovery by pre-trial authorities of signs of a perpetrated crime.

Sufficient data for the institution of pre-trial proceedings

Article 211

(1) Sufficient data for institution of pre-trial proceedings shall be considered to be at hand, where a reasonable assumption can be made that a crime has been committed.

(2) No data shall be necessary, from which inferences can be made about the persons who have perpetrated a crime, or about the applicable criminal law in order to institute pre-trial proceedings.