

Criminalistic technique of investigation of murders

Научный руководитель – Алиева Патимат Шапиулаевна

Авчиева Альбина Расимовна

Студент (специалист)

Российская правовая академия МЮ РФ, Северо-Кавказский филиал, Юридический факультет, Кафедра уголовно-правовых дисциплин, Махачкала, Россия

E-mail: a.avchieva@mail.ru

The criminalistics technique is a system of scientific provisions and the recommendations about the organization and implementation of investigation and prevention of separate types of crimes developed on their basis. It is, in essence, "first line" of criminalistics and that amount of its recommendations, which is necessary for practice of fight against crime.

Relying on rules of law, achievements of science, investigative, operational search and expert practice, the criminalistics technique creates a complex of the most effective remedies and acceptances necessary for investigation of this or that type of crimes. At the same time the criminalistics proceeds from the identity of each crime and his faces, which made that causes identity of ways of establishment of the truth.

Initiation of a criminal case has social, criminal law, criminal procedural importance. Timely and reasonable criminal proceedings protect the state's interests, rights and legitimate interests of citizens and organizations from criminal attacks.

Procedural and legal significance lies in the fact, that only after the determination of a criminal case, appears a criminal case itself, pre-trial investigation authorities receive the legal basis for the production of the necessary investigative actions and the application of measures of criminal procedure character.

The person, authorized to initiate criminal proceedings, are obliged to carry out checks each incoming message on a crime - immediately, within three or ten days, the setting of sufficient evidence pointing to signs of a crime. Their presence or absence is fixed in the decision to initiate a criminal case or refusal, which set out in resolution form (Part 1 of Art. 146 Code of Criminal Procedure). A legal ground for initiation of legal proceedings is a resolution on initiation of legal proceedings. Follows from contents of Article 146 of the Code of Criminal Procedure of the Russian Federation, the decision on initiation of legal proceedings must be motivated, legal, reasonable and timely.

In Part 2 of Article 140 of the Code of Criminal Procedure is literally stated, that "the basis for a criminal case is the existence of sufficient evidence pointing to signs of a crime. In a stage of excitation of criminal case the subject of proof is much narrower than in other stages of the criminal proceedings" (Criminal Procedure of the Russian Federation of 18.03.2013, №174-FL // Meeting of the legislation of the Russian Federation. - 2001. - №52 (1 h.). Art. 4291).

Thus, in criminal law, the notion of "signs of crime" includes all the elements of a crime, but the criminal - procedural sense, in the sense that is used in Part 2 of Article 140 Code of Criminal Procedure, - only signs of a socially dangerous act and there was socially dangerous consequences (Melikyan M.N 1998, p. 77.).

However, the sign of the act, and not a sign of the effects of crime in all circumstances, and not everyone plays an equally important role in addressing the start of criminal proceedings, and all the more of a criminal case (Ryzhakov A.P. 2010, p. 93.)

The correct definition of the circle of the individual features of a particular crime depends on the specific features of each action, and on its legal classification, and the presence or absence of legal attributes, causing it.

In criminal cases of murder, for the timely investigation of excitation and limited scope of evidence at the stage of a criminal case are limited. In case of murder for initiation of legal proceedings, there are enough data, indicating existence of the event of a crime, that is the signs characterizing the objective party and subject to criminal encroachment. At the same time, in all cases of detection of corpses of investigation must be set by rules of investigation of murder (Shuruhnov N.G. 2002. p. 46.)

The grounds for a criminal case may be: 1) the discovery of a corpse or its parts with signs of violent death; 2) disappearance of the person in the situation indicating probability of his murder.

Thus, the problems of forensic techniques have not only theoretical, but also practical value. Addressing these problems, the study of approaches to their solution, found by science is necessary for each practitioner, and is an essential element of legal education.

In case of detection of a corpse with signs of death on the actions of another person, it is not always known, whether there has been an attack on human life and the actions were aimed at a particular object, and death was only a side effect.

Hence here is a need for careful assessment of the initial information. However, it is extremely important in securing the primary information procedural form, because otherwise it would be lost. In addition, the investigation has "hot pursuit" as a criminal can get away with murder or destroy traces, when you receive a message about the murder of importance. All above determines the specificity of a criminal case of murder.

It consists in the fact, that in all cases the detection of a corpse, as well as in cases of human disappearance, the case is excited on the fact of murder and is being investigated for homicide investigation procedure, even in cases, where there is reason to believe that the death was an accident or suicide up, until it is proven otherwise.

Thus, criminological situation is an objective category, the combination of the conditions and circumstances, prevailing at a point in the investigation of crime, which each time is perceived and analyzed the subject of the investigation. The most optimum is a situation, in which the investigation of the situation actually reflects the assessment of the actual situation, prevailing in reality. However, for this, it is necessary to construct logical information model. Therefore, the existence of different approaches to the concept of criminological situation, its content and a set of components is fully justified and is of practical importance.

Источники и литература

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