



Bundesministerium  
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für Verbraucherschutz

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für Justiz

Auf der Grundlage der Übersetzung von Brian Duffett und Monika Ebinger

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## THE GERMAN CODE OF CRIMINAL PROCEDURE

### StPO

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### PART ONE GENERAL PROVISIONS

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### CHAPTER I SUBSTANTIVE JURISDICTION OF THE COURTS

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#### Section 1 [Substantive Jurisdiction]

Substantive jurisdiction of the courts shall be determined by the Courts Constitution Act.

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#### Section 2 [Joinder and Severance of Connected Cases]

(1) Connected criminal cases, which individually would fall within the jurisdiction of courts of different rank, may be tried jointly by the court of superior jurisdiction. Connected criminal cases of which individual cases would fall within the jurisdiction of particular criminal divisions pursuant to section 74 subsection (2) and sections 74a and 74c of the Courts Constitution Act may be tried jointly by the criminal division which enjoys precedence pursuant to section 74e of the Courts Constitution Act.

(2) Such court may, by order, sever connected criminal cases on grounds of expediency.

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**Section 204**  
**[Refusal to Open Main Proceedings]**

(1) If the court decides not to open main proceedings, the order must show whether its decision is based on factual or on legal grounds.

(2) The indicted accused shall be notified of the order.

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**Section 205**  
**[Provisional Termination]**

The court may, by order, provisionally terminate the proceedings if the absence of the indicted accused or some other personal impediment prevents the holding of the main hearing for a considerable time. The presiding judge shall secure the evidence, so far as this is necessary.

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**Section 206**  
**[Applications Not Binding]**

The court shall not be bound in the formulation of its decision by the public prosecution office's application.

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**Section 206a**  
**[Termination in the Case of Impediments]**

(1) Where a procedural impediment arises after the main proceedings have been opened, the court may terminate the proceedings by an order made outside the main hearing.

(2) The order shall be contestable by immediate complaint.

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**Section 206b**  
**[Termination on Amendment of the Law]**

If a penal norm applicable at the time the offence was committed is amended prior to the decision and if pending criminal court proceedings concern an offence which was punishable under the former law but which is no longer punishable under the new law, the court shall terminate the proceedings by an order made outside the main hearing. The order shall be contestable by immediate complaint.

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**Section 207**  
**[Order Opening Main Proceedings]**

(1) In the order opening main proceedings, the court shall admit the charges for the main hearing and designate the court before which the main hearing is to take place.

(2) The court shall specify in the order the amendments subject to which it admits the charges for the main hearing, if

1. charges have been preferred for more than one offence and for some of them the opening of the main proceedings is refused;
2. in accordance with Section 154a, prosecution is to be limited to individual severable parts of an offence, or such parts are to be reintroduced into the proceedings;
3. the act is legally evaluated differently from the bill of indictment; or,
4. in accordance with Section 154a, prosecution is limited to some of several violations of the law committed through the same criminal offence, or such violations of law are reintroduced into the proceedings.

(3) In the case of subsection (2), numbers 1 and 2, the public prosecution office shall submit a new bill of indictment corresponding to the order. The presentation of the relevant results of investigations may be dispensed with.