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Citation in the Code of Criminal Procedure

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Abstract. The criminal process is a progressive and coordinated activity, in which the main participants exercise their rights and fulfill their obligations by performing appropriate acts regulated by the rules of criminal procedural law. The procedural act is the legal instrument consisting in the manifestation of will through which the rights and prerogatives of judicial bodies and procedural subjects participating in criminal proceedings are exercised. Manifestations of will of judicial bodies could be: ordering the initiation of criminal investigation, closing the initiation of criminal proceedings, sending to trial, taking preventive measures and precautionary measures, order to summon certain persons. The procedural act is the legal means by means of which the task arising from the procedural acts performed and the procedural measures taken during the criminal proceedings is carried out. Procedural acts have their basis for the prior existence of procedural acts, thus becoming acts derived from them. Starting from these definitions, I will present in turn more information about the summons, a topic that I will analyze both theoretically and practically because it requires a thorough knowledge of the details related to the procedure of summoning a person when he is called to appear before the court or before another judicial body.

Keywords. summons, criminal trial, judicial body, code, summoned person

1. General citation considerations

Summons is the procedural act by which a person is summoned before judicial bodies on a certain date. If, after the conclusion of the hearings, the court resumes the case, it will have to order that all parties be summoned for the new deadline. This is imperative for the respondent, imposing on him the legal obligation to appear before the judicial bodies in order to carry out the proceedings easily.

The summoned person is obliged to appear at the time and place determined by the body that ordered the summons, and if the legally summoned parties do not appear before the judicial body, in principle, criminal proceedings may continue in their absence. Witnesses, experts and interpreters, who are also summoned and who do not appear, can be sanctioned with a judicial fine, which would mean that they pay a sum of money to the state for their failure to appear, and also failure to appear for summons may entail the issuance of a warrant to bring on the person who violated the procedure.

Summoning a person can be done in several ways, such as by written summons, by telephone note, or by telegraphic note. In case of issuing a summons, it must be individualized to the summoned person and must include some formal elements such as: establishing the prior complaint of the person aggrieved by the crime, the name and location of the judicial body issuing it, the date of delivery and the number of the file to which the summoned person belongs;

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its full name, the capacity in which it is called upon to appear, the subject matter of the case; the address where the person summoned lives; time, day, month, year and place of appearance; leaving an invitation for the summoned person to appear at the time and place indicated, informing him of the consequences that will occur in case of non-appearance; notification of the right to appear at the cited time with a lawyer, and in cases where defence is mandatory[1], mentioning that in the absence of the presentation of a chosen lawyer, an ex officio lawyer will be appointed; informing the summoned party of the right to request inspection of the file in the court archive. To be valid, the summons must be signed by the judicial body issuing it.

The importance of summoning and bringing, as procedural and procedural acts, results from the need for the presence of parties and persons at the criminal investigation and trial activities, but also from the need to respect their procedural guarantees in a criminal trial.

The regulation of these institutions of criminal procedural law also justifies the existence of ways to determine parties and persons who do not appear before judicial bodies to accept participation in criminal proceedings.

Compliance with the legal provisions concerning these institutions, by the participants to whom they are addressed, as well as by the procedural agents who execute them, is imperative to achieve the purpose of the criminal proceedings. Exact knowledge of the applicable provisions, of the intention of the legislator, may exempt possible speculation on the interpretation of the rules, with the intention of postponing or resuming judgment.

The method of summoning and serving procedural documents tends to divide responsibility between the authority and the addressee through new modes of summons and communication regulated by the Code of Criminal Procedure.

Since we are in an era when knowledge is becoming more and more intense and specialization takes the most diverse forms, it is natural that procedural and procedural acts should have a special importance, corresponding to the scientific development of evidence gathering, because they represent a large part of the criminal process, and without them the conduct of criminal proceedings would be difficult.

1.1. General rules

The communication of procedural documents is carried out by the criminal investigation bodies of the criminal police in several ways such as: transmit to a participant in the criminal proceedings a procedural document or a copy thereof; informs participants in criminal proceedings about a procedural act or measure that has been performed or is to be carried out, or about a procedural incident to be solved.

Service of procedural documents shall be effected in accordance with the provisions laid down by law regarding the place of summons and delivery of the summons. Notification is the means by which a judicial body informs participants in criminal proceedings about the performance or non-performance of a procedural or procedural act or about the taking of a procedural measure. It may be carried out orally, the work carried out being recorded in a report or by address, in which case the provisions laid down by law regarding the place of summons and the delivery of the summons shall apply accordingly.

After the summons procedure has been completed, the procedural documents have been served and the judicial bodies complete the other procedures, the last stage of the criminal process is reached, which is the trial. It may be carried out provided that the proceedings are completed and that the person who has suffered damage of any kind as a result of the offence together with the other parties is duly summoned. It is the duty of the court that the accused person (the person against whom the criminal action is brought, that capacity is lost once the

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action is extinguished), the civilly liable party (a party liable only from a civil point of view), the civil party (only the person who has been directly injured by the crime can be a civil party) and their representatives (lawyer) summon them ex officio. When the presence of other procedural subjects is also required to resolve the case, the court may order them to be summoned.

The appearance of the injured party or of the party in court, in person or through a representative or chosen lawyer or ex officio lawyer, if the latter has contacted the represented person, covers any illegality arising in the summons procedure.

The party or other principal procedural subject present in person, through a representative or counsel chosen at a time, as well as one to whom personally, through an elected representative or counsel or through the official or person responsible for receiving correspondence, has been lawfully served with a summons for a hearing, shall not be summoned for subsequent deadlines, even if he or she were absent at any of those deadlines, unless their presence is mandatory. Military and detainees are summoned ex officio every term.

For the first hearing of the case, the injured party shall be summoned with the mention that a civil party may be constituted until the commencement of the investigation.[1]

1.2. Notion and method of citation

The participation of procedural subjects is required in the criminal proceedings. In order to ensure that they are assisted in the specific activities carried out during criminal proceedings, the criminal investigation bodies of the criminal police must proceed with their appointment to court. [2]

Inviting parties, main procedural subjects, but also other procedural subjects, who can contribute to finding out the truth in criminal cases, is generally done by summoning.

Summons is a procedural act of the judicial body by which a person is invited to appear before it, in order to elucidate facts or circumstances related to the criminal case under resolution.

The fulfillment of this procedural act of summons, which highlights the will to summon a person before the criminal investigation bodies of the criminal police, is executed by means of the procedural document called summons.[3]

When a person is summoned before the criminal investigation body of the criminal police or before the court, he is called to appear by written summons. The summons may be made by telephone or telegraphic note, and when so served, a report shall be drawn up proving that the person summoned has become aware of the summons.

The summons may also be made by electronic mail or by any other electronic messaging machine, with the consent of the person summoned. In the case of a minor under the age of 16, he/she will be summoned, through his/her parents or legal guardian, unless this is impossible.

Service of summons and all procedural documents shall be effected, ex officio, by procedural agents of judicial bodies or by any other employee thereof, by the local police or by postal or courier service.

[1] https://lege5.ro/gratuit/gmzdmobzgq/citarea-si-comunicarea-actelor-de-procedura-codul-de-procedura-civila?dp=gyzdcnzwhaztg;

[2] V. Dongoroz, S. Kahane, G. Antoniu, C. Bulai, N. Iliescu, R. Stănoiu, Theoretical explanations of the Romanian Code of Criminal Procedure, General part, vol. I, Romanian Academy Publishing House, Bucharest, 1976

[3] Buzescu Gheorghe, Particularities of contravention law, Sitech Publishing House, Craiova 2017

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The persons through whom the service of summons and all other procedural procedures is made are obliged to carry out the summons procedure and to communicate the evidence of its fulfillment before the deadline for summons established by the judicial body.

If there is a large number of injured parties who do not have conflicting interests in the case and they have appointed a person to represent their interests in criminal proceedings, the injured parties and civil parties may be summoned through this legal representative or through a publication circulating at national level.

Regarding the procedure for summoning a minor person, respectively under the age of 16, who has no discernment, he will be summoned through his parents or through the designated legal guardian, the only exception being when this way is not feasible.

The judicial body may also communicate orally to the person present the next deadline, informing him of the consequences of non-appearance.

In the course of criminal proceedings, notification of the time limit shall be specified in a report, which must be signed by the person summoned. The summons and service of procedural documents shall be made in a closed envelope, on which shall be inscribed the following message: "For justice. To be handed over with priority."

When the summoned person tries to evade appropriating the summons, the criminal investigation body of the criminal police asks the judge of rights and freedoms to issue a warrant stating that the summoned person made the initial transmission impossible, and at the first date of summons did not show himself willingly. The need for such a warrant is conveyed to the judge of rights and freedoms when the investigating body of the criminal police must necessarily hear the person summoned, his presence being absolutely necessary. If the suspect or defendant refuses to voluntarily accompany the criminal authorities, he can be brought by using physical coercion, since his presence before judicial bodies is mandatory. It is not necessary for a person who has acquired the status of suspect or defendant to be summoned previously, because the law expressly provides that he can be brought with a warrant and there is no need to be summoned.

There are two situations regarding the issuance of the warrant and those are: the statement of the warrant by the court assigned to the case itself or the statement of the warrant by the criminal bodies. These situations occur at different stages of the criminal investigation, the difference between them being that the first takes place during the criminal investigation and the second during the trial time.

In order to enter without permission the home or premises of the person to be brought with a warrant, the judicial bodies carrying out the procedure must draw up a reasoned request if this takes place during the criminal investigation. This reasoned request for a warrant must be sent to the Council Chamber during the criminal investigation for resolution and the parties involved are no longer summoned to take part in the proceedings.

When it is found that the application is admissible and is based on a good reason, the judge of rights and freedoms orders the reasoned conclusion, by irrevocable conclusion, the statement of the mandate to bring.

"The warrant issued by the judge of rights and freedoms must include: the name of the court; date, time and place of issue; name, surname and capacity of the person who issued the warrant; the purpose for which it was issued; the name of the person to be brought with a warrant and the address where he lives. In the case of a suspect or defendant, the warrant must specify the offence being prosecuted; indicating the grounds and motivating the need to issue the

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warrant; a statement that the arrest warrant may be used only once; signature of the judge and stamp of the court."[4]

The obligation of the judicial body to draw up the document by which it was necessary to bring the suspect or defendant must be as soon as he was brought, after which his hearing should begin.

The time during which persons brought with a warrant are at the will of judicial bodies is up to 8 hours, except for their detention or provisional arrest. These hours are made available to the judicial bodies in order to be able to interview the suspect or accused person or when the document requesting their presence has been completed.

Those carrying out the warrant are agents from the Public Order Bureau, together with agents from the Criminal Investigation Bureau. The person appointed to carry out the warrant, together with the agents of the Public Order Bureau, shall report to the suspect or defendant's home. When the person to be brought with the warrant refuses to accompany the police or starts running to evade the procedure, they have the right to use physical coercion and means to carry out the procedure.

The principle of proportionality applies when the bodies designated above try to bring the suspect or accused person before judicial bodies and in order to do so they have to enter the domicile or headquarters of a natural person, only if his acts are justified by law and the requested person is in that place.[5]

Where it is established that the person mentioned in the writ of bringing suffers from an illness impeding the proceedings, the person designated to carry out the bringing must draw up a report which he will immediately transmit to the court or criminal body.

Following the investigations carried out by the person executing the arrest warrant, the person to be brought is not at the said domicile to the criminal investigation bodies or when the investigations do not have continuity, the person in charge of executing the arrest warrant must draw up a report stating what investigations have been made regarding the finding of domicile and why the person has not been found, after which this report is sent to the court or prosecutor.*investigation report

In the execution of arrest warrants, the military police also have an important role because their support is needed in the situation where the warrant has to be executed against a person who has the status of military, and if it is not within the competence of the military police, they will be brought in with the help of the commander.[6]

It is for the court to determine when the presence of the parties, or only one of them, who have been summoned to the criminal proceedings, should be requested and has the right to delay the proceedings. The absence of the parties who have been summoned and of the injured person does not retain the trial procedure of the case.

The injured part and the parties have the legal right to request, orally or in writing, that the settlement of the case take place in their absence, so they will not be summoned later for the other deadlines that will take place. Participants in the trial are notified of the latest hearing to be held when the trial is delayed for unknown reasons. When they are employed and could not appear at the previous deadline, the court gives them the summons as evidence to prove that their presence is irrevocable in court. This shall be done only at the request of the parties who need to have this measure available.

[4]Code of Criminal Procedure, Article 265, para. (8);
[5] Buzescu Gheorghe, Police law - university course, Sitech Publishing House, Craiova, 2019
[6] Anane Ivan, Investigation of criminal investigation bodies, Pro Universitaria Publishing House, Bucharest, 2014

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The public prosecutor is obliged by law to appear at the hearing of the case. When, for well-established reasons, the court is unable to conduct the proceedings within the prescribed time limit or when the case requires a speedy resolution, the panel hearing the case is entitled to change the previous deadline or the deadline of which the participants were informed. This procedure must be carried out in compliance with an important principle, that being the principle of continuity of the panel and by finalizing the modification of the deadline by the judge in the council chamber, so that summoning the parties is no longer necessary, because once the new deadline is set, they will be summoned immediately.

According to Article 267 of the Code of Criminal Procedure, "in order to carry out the summons procedure, to serve procedural documents or to bring a warrant to proceedings, the prosecutor or the court has the right of direct access to electronic databases held by state administration bodies. State administration bodies holding electronic databases are obliged to collaborate with the prosecutor or the court in order to ensure their direct access to information existing in electronic databases, under the law.[7]"

Incidents of summons are governed by Article 263 of the Code of Criminal Procedure, which provides that "any irregularity in summons shall not be taken into account if the party missing at the time when the irregularity occurred did not invoke it within the time limit following his proceedings, if at that time he was present or duly summoned. In the absence of the unlawfully summoned party, the irregularity in the procedure for summoning it may be invoked by the prosecutor, by the parties or ex officio, but only at the time when it occurred.[8]"

2. Procedural documents

2.1. General aspects of procedural documents

"According to doctrine and specialized literature, procedural acts are used in criminal proceedings, as ways or forms through which all activities during a criminal trial are carried out and can be procedural acts, procedural acts and procedural documents, in which the performance of procedural acts or procedural measures is recorded."[9] Procedural acts are acts by which the prerogatives of judicial bodies and procedural subjects are exercised, prerogatives that ensure the conduct of criminal proceedings, have an independent existence and a dominant position in relation to procedural acts, determining their existence and in order to be valid, they must be carried out in the specific forms provided by law, for example, the ordinances of the criminal investigation body.

'Procedural acts may be carried out by judicial bodies, such as, for example, hearing persons, issuing an arrest warrant and executing it, seizing objects and/or documents, conducting searches, investigating on the spot or by parties to proceedings or by the main procedural subjects and summoning witnesses. These acts are implementing acts because their purpose is to comply with the provisions contained in procedural documents.[10]"

"According to the literature, in order to produce legal effects, procedural acts must meet substantive conditions: they must be performed by the judicial body and the party mentioned in the relevant legal provisions, within the limits of legal standing and only in accordance with the law, have the content provided by law; and formal requirements: be carried out in the forms and

[7] Code of Criminal Procedure, art. 267 para (1) and para (2);
[8] Code of Criminal Procedure, art. 263 para (1) and para (2);
[9] Dongoroz V., Kahane S., Antoniu G., Bulai C., Iliescu N., Stănoiu R., Theoretical explanations of the Romanian Code of Criminal Procedure, Part General, vol. I, Ed. Academiei, Bucharest, 1975
[10] Gh. Mateuț, Treatise on Criminal Procedure, General part, vol. II, Ed. C.H. Beck, Bucharest, 2012

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deadlines laid down by law, be recorded in writing, be drafted in the official language in which criminal proceedings take place and be performed, as a rule, at the headquarters of the judicial or extrajudicial body carrying them out, except for those involving their performance in other places (such as search, seizure of objects and documents, search on the spot)[11]".

The law establishes that people must have a certain conduct that does not contradict its provisions, and when these norms of conduct are violated, those guilty will be held criminally liable. In order to establish aspects regarding the act considered a crime, by whom it was committed, with what kind of guilt it was committed and what social relations were harmed as a result of committing the crime, a criminal process must be conducted, respectively, a legal activity must be carried out that is regulated by the law of criminal proceedings, at the end of which it is decided whether the act is a crime and whether or not he can apply the punishment.

In its course, the criminal process goes through several stages, known as phases. The phases of the criminal process include a complex of activities carried out successively, progressively and coordinated, having its own subject and ending with its own solutions. These phases are as follows: criminal prosecution, preliminary chamber, trial and enforcement of final criminal decisions.

The criminal investigation being the first phase of the criminal process, by starting it, the criminal process itself begins. During this phase, the criminal investigation bodies carry out their activity. The criminal investigation bodies of the criminal police and the special criminal investigation bodies carry out their criminal investigation activity under the direction and supervision of the prosecutor. During criminal investigation, the prosecutor is obliged to initiate and exercise criminal proceedings, ex officio or at the proposal of the criminal investigation bodies, when there is evidence from which there are good reasons for committing a crime by one or more persons. In certain situations, during the criminal investigation phase, the judge of rights and freedoms or the preliminary chamber judge also intervenes.

In the activity of establishing truth, the elements that lead to the realization of knowledge are evidence. In order to find out the truth, judicial bodies must know the objective reality of the circumstances. This operation can only be achieved by taking evidence, i.e. deducting before the judicial body the facts and factual circumstances that configure any evidence, so as to form an accurate representation of what happened. In order to establish the truth, the investigative bodies of the criminal police must always start from the evidence to the offender and not the other way around. Also, with regard to a person's guilt, there must be certainty, because every doubt, every doubt, is in favour of the person who committed the crime. After evidence has been taken, the judicial bodies assess it. Unlawfully obtained evidence cannot be used in criminal proceedings.

In order to initiate procedural and procedural activities characterizing criminal proceedings, it is necessary for the competent criminal investigation bodies to be informed about the commission of a crime. After first finding out that a crime has been committed[12], the criminal investigation bodies will proceed to discover and identify the perpetrator and further to carry out the other activities necessary to achieve the purpose of the criminal proceedings. The offence may be established during the commission shortly after it was committed or after a period of time had elapsed since it was committed.

In criminal matters there is a general rule that evidence may, in principle, be administered by any of the means of evidence provided for by law. It follows that there is a very

[11] Gh. Mateuț, Treatise on Criminal Procedure, General part, vol. II, Ed. C.H. Beck, Bucharest, 2012
[12]Code of Criminal Procedure, art. 258, para.1;

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close connection between evidence and evidence, since one cannot exist without the other. Like evidence, evidence has no predetermined value, it is used in criminal proceedings in relation to all existing evidence in the case. Documents necessary for a criminal case may be discovered by searches, on-site searches or, if their whereabouts are known, may be requested, seized and attached to the case file. In many cases, a document, although it helps to solve the criminal case, can constitute a material means of evidence, because it provides informational elements not through its expressed content, but as an object. They are important in criminal proceedings when their content reveals facts or circumstances likely to contribute to finding out the truth, thus serving as evidence.

The rule of general admissibility of evidence must be observed because in criminal matters it attests to the thesis that it is possible and permitted to prove any condition that is provided as evidence in the resolution of the criminal case. To this freedom of evidence must be added the freedom of evidence, constituting evidence in the case, carried out by any means of evidence. By assessing evidence, judicial bodies determine the extent to which they form the conviction that the facts and circumstances to which they refer have or have not actually occurred.

The evaluation of the information provided by the material means of evidence must be done very carefully, corroborating with the other evidence in the case file, so that in the end they lead to finding out the truth in the criminal case subject to resolution.

The rigorous evaluation of evidence, the restriction of the possibilities to commit a legal error is ensured by the way in which the criminal proceedings are organized by establishing judicial control over the previous stages and enshrining the right to make a reassessment of the evidentiary material administered in the previous phase. Thus, the administration and assessment of evidence is done by single-person bodies carrying out secret activity. In the case of the activity of investigative bodies, they are supervised by the prosecutor, and the prosecution activity carried out by the prosecutor is controlled by the hierarchically superior prosecutor.

The importance of determining criminal jurisdiction results primarily from the fact that a criminal case cannot be solved by any judicial body. Criminal cases are extremely varied by the nature or gravity of the acts committed, the place where they were committed or the person of the perpetrator. The distribution of criminal cases and procedural activities between judicial bodies therefore requires the use of the concept of the form of jurisdiction. Knowledge and practical application of these forms, mainly material, personal and territorial competence, ensures a clear determination of the attributions of judicial bodies and, implicitly, of the investigation bodies of the judicial police, raising the quality of procedural activity and achieving efficiency in solving criminal cases.

Referral to the preliminary chamber judge and referral to trial cannot take place on the basis of uncertainties, since there is a procedural sanction of restitution of the case by the preliminary chamber judge following the exclusion of all evidence administered or, in the event of exclusion of only part of the evidence and the prosecutor's request, restitution of the case to complete the criminal investigation. These aspects may call into question the merits of the investigation activity and even the professional probity of the criminal investigation bodies that did not comply with the legal provisions guaranteeing the discovery of the truth or the fairness of the procedure.

In the foundation of criminal liability, there must be two grounds, respectively, a legal basis and a factual basis. The legal basis implies the finding of a special criminal rule accusing a certain act of being a criminal offence, and the factual basis refers to the fact that that act must be analysed from the point of view of its commission.

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The determination of a sound legal classification plays an important role in establishing the competence of the criminal investigation body of the criminal police and allows taking the procedural measures provided for by law. For the proper conduct of criminal proceedings, there must be a well-defined concordance between the constituent elements of the act, the circumstances in which it was committed in principle and the factors provided for in the incrimination process. This correspondence between the act itself and the criminal criterion of incrimination leads to the elimination of any abuse of the citizens' rights and freedoms of the person concerned and to the serious observance of the principle of legality of criminalization in criminal matters.

2.2. Validity of procedural documents

The time limit represents the period of time within which or until which an act, activity or procedural measure, or the exercise of a procedural right, can or must be performed. In certain cases where procedural or procedural acts must be carried out expeditiously, the law uses notions such as: emergency or immediate.

Time limits are of several categories. The first term is the procedural one, which is provided by law in order to ensure the proper conduct of criminal proceedings within or up to which certain acts, activities or procedural measures can be performed or must be performed. It can be: recommendation, is the term within which certain procedural or procedural acts should be performed for the proper conduct of criminal proceedings, the non-observance of which does not entail legal consequences regarding the validity of the act performed beyond this deadline; imperative is the term within which a procedural right must be exercised or certain procedural or procedural acts must be performed, under penalty of revocation or annulment of the act (the act performed after the expiry of an imperative term is late); prohibitive is the term that allows the performance of the procedural or procedural act, only after the expiration of its duration, under penalty of nullity (the act performed before the expiration of the prohibitive term is premature).

The second term is the substantial one that is provided by law in the regulation of certain criminal law institutions or in the matter of restrictive or custodial extraprocedural measures, in order to protect them. Substantial time limits shall be calculated in terms of hours or full days. They are usually two hours or days shorter than procedural deadlines. Substantial time limits expressed in months or years shall expire, as the case may be, on the day before the corresponding day of the last month or on the day and the corresponding month of the last year.

The document considered to have been done within the time limit is the document deposited within the term provided by law at the post office by registered letter, at the administration of the place of detention or at the military unit or the registration or attestation made by the administration of the place of detention on the deposited document, the receipt of the post office, as well as the registration or attestation made by the military unit on the deposited document is proof of the date of submission of the document, except for appeals. The act performed by the prosecutor is considered to have been done within the time limit if the date on which it was entered in the exit register of the prosecutor's office is within the time limit required by law for performing the act.

It is no longer useful to acquire information about the trial term, if some of the criminal procedural subjects who will take part in the criminal proceedings have already been notified about what the trial term means, more precisely illustrates the procedure in which they are informed of the trial term fixed for presentation. The absence of parties who were already present at the previous court terms no longer need to be summoned, because if they appeared at

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the other deadlines, they already knew the next deadline for submission. It is also unnecessary to summon current witnesses, experts and interpreters who adopt the new term.

Law nr. Regulation (EC) No 202/2010 regulates that when instead of a party, his/her lawyer or a lawyer chosen ex officio, who has acknowledged that he/she has appeared in court by being summoned by him/her, leads to a legal summons procedure. Entrusting the summons, by legal means, to the summoned party, to its lawyer or to the lawyer chosen ex officio, leads to the failure to notify them for the deadlines that will follow, even if they are absent from the following deadlines, the only exception being when the law expressly provides for the summoned party to appear in person in court.

3. Table of contents of summons and delivery

3.1. Table of contents of the summons

According to art. 258 para. 1 C. proc. pen., "the summons is individual and must include the following: the name of the prosecuting body or court issuing the summons, its location, the date of issue and the file number; name and surname of the person summoned, the capacity in which he is summoned and indication of the subject matter of the case; the address of the person summoned; hour, day, month and year, place of appearance, as well as inviting the summoned person to appear at the indicated date and place; an indication that the party summoned is entitled to a lawyer to appear with him within the prescribed period; a statement that the summoned party may, in order to exercise the rights of defence, consult the file held in the archives of the court or prosecutor's office; Consequences of failure to appear before the judicial body" [13].

If a person is summoned by telephone or telegraphic note, the issuing judicial body shall transmit the contents of the summons by telephone to the body carrying it out or write its contents in telegram. The body that received the telephone note, after recording it in the telephone notes register, transcribes it on the standard summons and proceeds to hand it over, and the proof of receipt will forward it to the issuing body and then attach it to the case file. When the case is not postponed, the content of the document of receipt of the summons will be sent by telephone to the issuing criminal investigation body.

According to art. 258 para. 2 C. proc. pen, "the summons served on the suspect or defendant must contain the legal classification and name of the offence with which he is charged with the warning that, if he fails to appear, he may be brought with a warrant.[14]"

The summons, when it is about to be served on a person, must be signed by the issuing body in order to be valid.

3.2. Service of summons

The summons shall be served wherever it is found, personally to the person summoned, who shall sign the proof of receipt of the summons. The proof of receipt of the summons must contain in it the file number, the name of the criminal investigation body or court that issued the summons, the name, surname and capacity of the person summoned, as well as the date for which he is summoned. It must also include the date of delivery of the summons, the name, surname, capacity and signature of the person serving the summons, his/her certification of the identity and signature of the person to whom the summons was served, as well as showing its

[13]Code of Criminal Procedure, art. 258, para.1;
[14]Code of Criminal Procedure, art. 258, para.2;

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quality.[15] Whenever a report is drawn up on the delivery or display of a summons, it shall contain accordingly the particulars referred to in the above paragraph. Where summons is issued by electronic mail or any other electronic messaging system, proof of transmission shall, if possible, be attached to the minutes.

In order to serve the summons, the procedural agent carries out the following activities: he goes to the address indicated in the summons, after which he salutes, introduces himself, declines his capacity and legitimizes himself, identifies the person mentioned in the summons, shows the purpose of coming, hands over the summons to the summoned person and then draws up on the standard form, the report of fulfillment of the summons procedure.

When the summons is served, several situations may arise. The Code of Criminal Procedure systematizes the situations that may be encountered when serving the summons into three categories, as follows: serving the summons if the summoned person is found, serving the summons on other persons and the impossibility to serve the summons.

In the first situation, when the summons is served if the person is found [16],he/she shall be handed the envelope containing the summons and shall hand over or send the proof of receipt to the judicial body that issued the summons. Another situation may be when the summoned person refuses to receive the summons. In this case, the person instructed to serve the summons shall post a notice on the door of the recipient, concluding a report of the circumstances found. The notification must include the year, month, day and time when the display was made, the name, surname and domicile or, as the case may be, the residence, respectively the registered office of the notified person, the number of the file in connection with which the notification is made and the name of the judicial body in whose role the file is located, indicating its headquarters, mentioning the term established by the judicial body that issued the summons, in which the addressee is entitled to appear at the judicial body to the summons, the signature of the person who posted the notice shall be served. The minutes shall record the fact that the summoned person refuses to receive the summons and shall duly supplement the other particulars usually contained in the proof of completion of the summons procedure. Another special situation may be when the summoned person receives the summons, but refuses or cannot sign the proof of receipt. In this case, the person instructed to serve the summons hands over the envelope containing the summons and concludes the report, in which he records that the summoned person received the summons, but refused or could not sign the proof of receipt, recording also the other data contained, as a rule, proof of completion of the summons procedure.

The registered letter summoning a suspect or defendant living abroad cannot be handed over, or the intended state does not allow summons by post, the summons will be posted at the headquarters of the prosecutor's office or court, as the case may be. Summons may also be issued through the competent authorities of the foreign state if the address of the summoned person is unknown or inaccurate, it was not possible to send the summons by post, or if the summons by post was ineffective or improper.

When summons is issued at the hospital, medical or social welfare establishments, at the place of detention, at the military unit or at the captaincy of the port where the voyaged sea or river vessel is registered, the said units shall be obliged to serve the summons immediately on the person summoned under evidence, certifying his signature or showing the reason why

[15] https://legeaz.net/cpp-cod-procedura-penala/art-181;
[16] Anane Ivan, Management of criminal prosecution bodies, Pro Universitaria Publishing House, Bucharest, 2014

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his signature could not be obtained. The evidence is handed over to the procedural agent, who forwards it to the criminal investigation body or court that issued the summons.

The summons is intended for a public institution or authority or other legal person, it is handed over to the registry office or to the official in charge of receiving correspondence. If the institution or public authority or legal person refuses to receive the summons, the person instructed to serve the summons shall post a notice on the addressee's door, concluding a report on the circumstances found.

If the summons is made by electronic mail or any other electronic messaging system with the consent of the person summoned, the person making the summons draws up a report in which he records the manner in which it is fulfilled.

In the second situation, when the summons is served on persons other than the person concerned, various cases may arise such as not finding the summoned person at home. In this case, the staff member shall serve the summons on her spouse, a relative or anyone who lives with her or who normally receives her correspondence. The person receiving the summons signs the proof of receipt, and the procedural agent certifies his identity and signature and makes the particulars appropriate to the circumstances of the summons procedure. The summons may not be served on a minor under the age of 14 or on an indiscriminate person.

The summoned person or persons who may receive the summons are shocked in a multi-apartment building or in a hotel, and if the summoned person, spouse, relative or any person who lives with him or who usually receives his correspondence is missing, the summons is handed over to the administrator, doorman or ordinarily replacement. The person receiving the summons shall sign the proof of receipt and the procedural officer shall certify his/her identity and signature and draw up a report. If this person is unwilling or unable to sign the proof of receipt, the procedural agent displays the summons on the door of the dwelling and then concludes a report on the measure taken. When the summoned person is not at home or at the hotel where he lives and the persons who can receive the summons are also missing, the procedural agent is obliged to inquire when he can find the person summoned to serve the summons. When the summoned person cannot be found, the agent shall post on the door of the summoned person's home a notice which shall include the year, month, day and time when the display was made, the surname, surname and domicile or, where appropriate, the residence or registered office of the person notified, the file number in respect of which the notification is made and the name of the judicial body in whose role the file is located, indicating its registered office mentioning the term established by the judicial body that issued the summons in which the addressee is entitled to go to the judicial body to be served with the summons, the signature of the person who posted the notification. If the summons did not indicate the apartment or room in which he lives, the agent is obliged to make inquiries to find out the apartment or room in which he lives. If investigations fail, the agent displays the summons on the main door of the building, drawing up a report and mentioning the circumstances that made it impossible to serve the summons.

In the latter case, where service of the summons cannot be effected because the building does not exist, is uninhabited or the addressee no longer lives in the building, or where service cannot be effected for other similar reasons, the staff member draws up a report stating the situations found and sends it to the judicial body which ordered the summons. Service of other procedural documents shall be effected in accordance with the provisions laid down in the summons.

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In the case of persons deprived of liberty, service of other procedural documents shall be effected by fax or any other means of electronic communication available at the place of detention.

In solving specific tasks, designated procedural agents carry out a wide range of activities involving, inter alia, contact with various documents emanating from different public authorities, certifying the identity of certain persons, certain qualities acquired as a result of the instructive-educational process, or proving acquired property rights, deposits, insurance, as well as documents allowing the movement of persons within the European space, or ex-European. Also, certain documents represent bank securities, securities, banknotes, promissory notes or simply certify the origin of goods, individualize their ownership and use, or prove payment for services that a person can benefit from. Some documents are exaggerated in forgery by certain persons, in order to produce legal effects in personal interest, while others contribute to finding out the circumstances of committing facts given to the police authorities and implicitly to establishing the truth during criminal investigation activities. In this respect, it is necessary to train procedural agents to approach professionally the issue related to the authenticity of such documents, in order to counteract the effects they could produce if they were counterfeit. The fields in which the support of experts and specialists is called upon are very varied, which is why the issues of the sphere of activities can be very varied such as forensics, technical, forensic and many others. Basically, they use investigations with context in all fields of activity that interest the criminal case and in connection with which the criminal investigation body or court has unsolved aspects, and without such a quality technical-scientific investigation, the entire activity of the judicial body may be partially or totally compromised, and a possible sentence may seriously harm the rights and freedoms of individuals, or it may erroneously set a perpetrator free by making an untruth a law.

3.3. Place of summons

The place of summons in most cases represents the home address of the summoned person, and if this is not known, it can be placarded at the workplace, and the summons is entrusted by the staff of the respective unit.

From a procedural point of view, when the summoned person acquires the procedural status of suspect or defendant, he is obliged by law to inform the criminal investigation body of the criminal police about the move of addresses where he resides within 3 days. This obligation shall be brought to his attention during the hearing and he shall be informed of the consequences of non-compliance.

If the suspect or defendant has not appeared at the headquarters of the judicial body, he/she may be summoned to the premises of the lawyer of his/her choice. There are situations in which neither the address of the suspect or defendant nor where he works is known, and then a summons is posted at the headquarters of the competent body. „Notice which must include: year, month, day and hour when it was made; name and surname of the person who made the display and its function; name, surname and domicile or, as the case may be, residence or registered office of the person summoned; the number of the file in connection with which the notification is made and the name of the judicial body in which the file is pending; a statement that the notice relates to the procedural act of the summons; mention of the deadline set by the judicial body that issued the summons: the addressee is entitled to go to the judicial body to be served with the summons; the indication that, if the addressee does not appear for service of the

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summons within the mentioned period, the summons shall be deemed served at the end of this period and the signature of the person who posted the notice.[17]"

There are, however, a few exceptions, such as: sick or hospitalized persons or persons in social assistance, who are summoned through the administration of the respective institution, and persons who are deprived of liberty, where the summons is posted at the place of detention, also through the administration.

In the case of soldiers, they are summoned through the commander of the unit, and the summons is posted at the unit they depend on.

A special situation is represented by the situation where the suspect or defendant resides abroad and his/her summons is made in compliance with the rules of international criminal law that apply in relation to that state, in accordance with the law. When the rule of international criminal law is absent, the summons of the suspect or accused person shall be made by registered letter, if the legal object allows this to be possible. In order to prove that the letter of recommendation has been received, it is necessary for the person to whom the letter has been addressed to sign a notice. At the same time, the summoned person has the right to refuse to accept the letter, for which a proof is completed proving that the summons formality has been fulfilled from the point of view of the procedure. All information about the criminal proceedings must be brought to the attention of the person summoned, who has the duty to specify the domicile in Romania or an email address. In case of non-compliance with the legal obligations provided by the law in force, the procedural documents will be notified to him by registered letter, and as evidence that the formality has been completed, in the content of the proof received from the post Romanian that the letter has been handed over, the documents that have been sent will be specified.

In view of the international rules laid down by the State in which the summoned person resides, it is necessary to comply with those rules laid down by that State in order to present the suspect or accused person on first summons. If these rules are absent, the summons to appear in court must be served within 30 days at the suspect or defendant.

A more difficult circumstance is in the case of units, public authorities or legal entities, because the notification is placarded where they perform their prescribed duties, and when it is noted that the addresses of those institutions are unknown, the summons will be placarded at the center of the competent judicial body and must include the same components as in the cases described above.

Also, when the summons is executed in electronic form, with the help of email, it is sent to the address about which the criminal investigation body of the criminal police has been informed.

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