

# **A Comparative Study of the Separation of the Investigating Authorities for Prosecution of the Code of Criminal Procedure of Iran and America**

maryam hasan parvar\*, Dr. Vahid zarei Sharif,

**Abstract** In the Iranian criminal system search warrants are conducted after initiating prosecution and referring the case to the interrogator by the prosecutor, playing a constructive and effective role in the preparatory investigation stage, collecting the grounds and guaranteeing the defendant's defense rights, and ultimately the realization of a fair proceedings require the interrogator's independence and impartiality in conducting research. In the Code of Criminal Procedure, approved in 1392, there are exceptions to this principle, including the lack of prosecutors other than crimes within the jurisdiction of Article 302. The prosecutor's supervision of the preparatory investigation of the interrogator and the provision of the necessary precautions to him should not be regarded as inconsistent with the separation of the prosecution the investigating authority and interrogator's independence, since the prosecutor's duties, including monitoring good law enforcement, require the prosecutor not to be inactive during the investigation stage and have authority in the proceedings in the context of supervising, for example during the preparatory investigation phase. The study of the US criminal justice system shows that there is no judge of inquiry and preparatory investigation has been concluded by prosecutor. Courts in the United States handle two types of cases, criminal cases and legal cases. In legal cases, there are two or more parties to the dispute, while in criminal cases, the federal government or the state government is always a party to the lawsuit. The government, in the name of the nation, prosecutes a person who violates public welfare. **Key Words:** Iranian Criminal System, Prosecutor, Interrogator, Preparatory Investigation, Defendant's Defense Rights, Criminal Procedure Laws, Principle of

---

**Separation of Prosecution Investigation, US Criminal Justice System.**

**Keywords : Key Words: Iranian Criminal System, Prosecutor, Interrogator, Preparatory Investigation, Defendant's Defense Rights, Criminal Procedure Laws, Principle of Separation of Prosecution Investigation, US Criminal Justice System.**

[Islamic Azad University, Rasht Branch - Thesis Database](#)  
[دانشگاه آزاد اسلامی، واحد رشت - سامانه بانک اطلاعات پایان نامه ها](#)