

This file corresponds to part 1 of book 1 (On the subjects of the process), title 2 (On the Public Ministry and Criminal Police Bodies) of the criminal procedural code of Portugal.

Article 48 - Legitimacy

The Public Prosecutor's Office has the legitimacy to promote criminal proceedings, with the restrictions contained in articles 49 to 52.

Article 49 - Legitimacy in a complaint-dependent procedure

1 - When the criminal procedure depends on a complaint, from the offended party or other people, it is necessary for these people to inform the Public Prosecutor's Office of the fact, so that it can promote the process.

2 - For the purposes of the previous paragraph, a complaint addressed to any other entity that has a legal obligation to transmit it to the Public Prosecutor's Office is considered to have been made to the Public Prosecutor's Office.

3 - The complaint may be presented by the holder of the respective right, by a judicial representative or by an agent with special powers.

4 - The provisions of the previous paragraphs are correspondingly applicable to cases in which the criminal procedure depends on the participation of any authority.

Article 50 - Legitimacy in proceedings dependent on private accusation

1 - When the criminal procedure depends on a private accusation, the offended party or other people, it is necessary for these people to complain, become assistants and file a private accusation.

2 - The Public Prosecutor's Office carries out ex officio any steps it deems essential to discover the truth and falls within its competence, participates in all procedural acts in which the private accusation is involved, accuses jointly with it and appeals autonomously against judicial decisions.

3 - The provisions of paragraph 3 of the previous article are correspondingly applicable.

Article 51 - Approval of withdrawal of the complaint or private accusation

1 - In the cases provided for in articles 49 and 50, the intervention of the Public Prosecutor's Office in the process ends with the approval of the withdrawal of the complaint or private accusation.

2 - If the withdrawal is known during the investigation, approval is the responsibility of the Public Prosecutor's Office; if it takes place during the investigation or trial, it is the responsibility of the investigating judge or the president of the court, respectively.

3 - As soon as it becomes aware of the withdrawal, the judicial authority competent for approval notifies the defendant to declare, within five days, without the need to give reasons, whether he or she opposes it. Failure to declare is equivalent to non-opposition.

4 - If the accused does not have a defender appointed and his whereabouts are unknown, the notification referred to in the previous paragraph is made by public notice.

Article 52.⁹ - Legitimacy in the case of a crime

1 - In the case of a series of crimes, the Public Prosecutor's Office immediately prosecutes those for which it has legitimacy, if the criminal procedure for the most serious crime does not depend on a private complaint or accusation, or if the crimes are of equal gravity.

2 - If the crime for which the Public Prosecutor's Office can prosecute is less serious, the people to whom the law gives the right to file a complaint or private accusation are notified to declare, within five days, whether or not they want to use this right. If they declare:

a) Those who do not intend to file a complaint, or do not declare anything, the Public Prosecutor's Office prosecutes the crimes it can promote;

b) Those who wish to file a complaint are considered to have filed a complaint.

Article 53 - Position and responsibilities of the Public Prosecutor's Office in the process

1 - The Public Prosecutor's Office, in criminal proceedings, is responsible for collaborating with the court in discovering the truth and realizing the law, complying with strict objectivity criteria in all procedural interventions. 2 - The Public Prosecutor's Office is particularly responsible for:

a) Receive reports, complaints and reports and assess the follow-up to be given to them;

b) Direct the investigation;

c) Define accusations and effectively support them during investigation and trial;

d) File appeals, even if in the exclusive interest of the defense;

e) Promote the execution of sentences and security measures.

Article 54 - Impediments, refusals and excuses

1 - The provisions of chapter VI of title I are correspondingly applicable, with the necessary adaptations, namely those contained in the following numbers, to public prosecutors.

2 - The declaration of impediment and its request, as well as the request for refusal and the request for excuse, are

addressed to the hierarchical superior of the magistrate in question and assessed and definitively decided by him, without obedience to special formalism; As the attorney general of the republic is targeted, jurisdiction lies with the criminal section of the supreme court of justice.

3 - The entity responsible for the decision, under the terms of the previous paragraph, designates the replacement of the prevented, refused or excused person.

Article 55 - Competence of criminal police bodies

1 - It is the responsibility of the criminal police bodies to assist the judicial authorities with a view to achieving the purposes of the process.

2 - It is in particular the responsibility of the criminal police bodies, even on their own initiative, to collect news of crimes and prevent their consequences as much as possible, discover their agents and carry out the necessary and urgent acts aimed at securing the means of evidence.

Article 56 - Orientation and functional dependence of criminal police bodies

Within the limits of the provisions of paragraph 1 of the previous article, the criminal police bodies act, in the process, under the direction of the judicial authorities and in their functional dependence.