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**CRIMINAL CASES
RULINGS IN PRINCIPLE**

- B.11** I. The following is a lawful enforcement of the law, which is a protective act, and a behaviour averting unlawful attack against property: following in a vehicle an attacker, who unlawfully attacked property with a vehicle, and catching up with the attacker in order to force the attacker to return the unlawfully taken property. The risk of the arising, not intended, more severe consequence shall be borne by the unlawful attacker.
- II. In the scope of lawful protection, unlawful attack against property means the take away of a property, which is in legal ownership or possession. The lawful way to avert an unlawful attack against one's own or other's property by way of taking it away, is the interruption of the process of taking the thing away by the defending person, which can be realized by the retake of the thing from the thief, if the rightful possession over the thing is restored. The necessary and lawful way of this averting action is, if the owner (defending person) sets of in pursuit of the thief caught red-handed – in order to protect and repossess the property
- III. Lawful defending action, which can be taken for the purpose of the aversion of unlawful attack against property is not specified by the law only on the physical prevention of the take-away of the thing by bodily strength, because for attack against property, preventive behaviour – of course – is realized by the retake and actual possession of the thing.
- IV. Averting action necessary in the scope of lawful protection lacks guilt from the intent, and from the guiltless nature of the intent comes the fact that the actions lacking such intent cannot have negligent results either, as it is conceptually excluded. If the base action is lawful, and cannot be punished (as it is not dangerous for society), negligence cannot be related to it either.
- V. The attacked person cannot be deprived of his/her option to defend him/herself due to the fact that the place, time, method and means of the unlawful attack were chosen by the culprit of the crime. The situational advantage of the unlawful attacker against the attacked person lies in this autocracy, and the dispute of the right related to defence would mean the acceptance of risk free commission of the crime, and indirectly incentives
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- 102** I. The following is considered intellectual forgery of official documents: the lawyer contributing the fictitious sale and purchase of businesses and the entry of false data in the company registry.
- II. The act of the accomplice differs from the act of the perpetrator is that the accomplice does not realize the legal facts of crime.
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- II. In the event of leaving the road due to excess speed, the reason for the accident is excess speed. The circumstance that due to the paving stones illegally situated beside the road, return to the road was even more difficult, as well as the fact that the injured persons did not have their seatbelts on, can only be considered as contributing reasons (concausa)..... 488
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Reason for exclusion can only be submitted against a judge or a court, who or which acts in the given proceedings, and in line with practice, against the court, which is competent in the decision-making related to the exclusion request.

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The Be makes possible for the hearing to be held, if the absent accused person was lawfully summoned; unlawful summons shall prevent the hearing to be held not only based on the general rules, but also as specified in the separate proceeding included in Chapter XXV of the Be.

By holding the hearing in the absence of an unlawfully summoned accused person, the court commits procedural violation resulting in unconditional repeal

II. The court is only entitled to provide a short justification about the decisive ruling, if neither the district attorney, nor the accused person, nor the defence attorney submitted an appeal; in such a case, the justification of the ruling may only include the facts of the case and the specification of the applied laws and regulations. If the accused person is not present upon the announcement of the ruling, and the court communicates such ruling with the accused person by way of delivery – which even could be made in an announcement –, the ruling shall include the detailed justification; no short justification is accepted. Should the court provide a short justification, the court commits a procedural violation resulting in unconditional repeal 495

- 109** By the compliance with the notification obligation specified in Section 50, Paragraph (1), Point f) of the Be, the defence attorney may avert the consequences of a disciplinary penalty. The notification obligation can be performed prior to the beginning of the given procedural action (public hearing). From the purpose of the ruling – that is in accordance with the joint meanings of Section 69, Paragraph (1b) and Section 50, Paragraph (1), Point f) of the Be –, it is obvious that the notification, which may be communicated in advance, but only relates to the fact of the hindrance, and does not specify that the defence attorney will not be substituted, is not sufficient. The latter is especially important, if the notification was communicated on the day before the procedural action – that is last minute. In such a case, the it is uncertain whether substitution is reasonable or not, thus the compliance with the obligation specified in Section 50, Paragraph (1), Point f) of the Be is not complete..... 497

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- I.**
1. Article 15 of Council Regulation No. 44/2001/EC on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters shall be interpreted so that a private Facebook profile user does not lose the “consumer” quality specified in this article, if he/she publishes books, gives lectures, operates websites, collects donations and assigns the claims of several consumers on him or herself with the purpose of the validation of them before court.
2. Article 16, (Paragraph) of Council Regulation No. 44/2001/EC shall be interpreted so that it is not applicable to the action of the consumer, which is related to the enforcement of claims assigned by consumers with residential address in the same member state, other member states and third countries before the court of his/her residential address, and not just his/her own claims 569
- II.**
1. Article 3, Point 3 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States shall be interpreted so that the judicial authority of the implementing member state shall only deny the handover of the minor under a European arrest warrant, if the minor is not yet of the age, when he/she can be held legally responsible for the act specified in the European arrest warrant.
2. Article 3, Point 3 of Council Framework Decision 2002/584/JHA shall be interpreted so that with regard to the approval of the handover of the minor under a European arrest warrant, the judicial authority of the implementing member state shall only examine, whether the minor is of the age, when he/she can be held legally responsible for the act specified in the European arrest warrant, without taking into consideration any further individual evaluation conditions, on which, according to the law of this member state, criminal proceedings against minors, or the passing of a judgement specifying legal responsibility can depend
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