



CONDITIONS AND PROCEDURAL ORDER FOR APPLYING THE GROUNDS FOR TERMINATION OF CHARGES

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ABSTRACT

This thesis examines the legal nature, procedural foundations, and practical challenges associated with the termination of charges within criminal proceedings. The study argues that the institution of terminating charges is fundamentally distinct from the modification or supplementation of the indictment, both in its substantive legal character and procedural implications. Through an analysis of Articles 83, 84, and 362 of the Criminal Procedure Code (CPC), the research demonstrates that termination—whether full or partial—is permissible only where circumstances exist that either exonerate the accused or legally preclude further proceedings. The thesis further reveals inconsistencies in legislative drafting, noting that the CPC does not explicitly specify the applicability of Articles 83 and 84 for partial termination, resulting in divergent judicial interpretations. A systematic review of CPC provisions shows that the grounds for termination possess universal procedural significance across all stages of criminal proceedings, including appellate and supervisory review. The thesis concludes by proposing a refined doctrinal definition of the grounds for termination, emphasizing their dual substantive-procedural nature and their relevance to the factual structure of the case, the legal status of the accused, and the evidentiary sufficiency of individual episodes. The findings contribute to the development of clearer legislative regulation and more consistent judicial practice in applying the institution of terminating charges.

The procedural institution of terminating charges differs fundamentally, in both its legal nature and procedural consequences, from the modification or supplementation of the indictment. Under Article 362(1) of the Criminal Procedure Code (CPC), the modification or amendment of charges is permissible only where one of three circumstances is established: the discovery of new evidence, the clarification of defects or ambiguities in the initially formulated

charge, or the identification of inaccuracies in its legal qualification¹. The termination of charges, by contrast, is not confined to these procedural circumstances. Rather, it is admissible solely where conditions exist that either provide a basis for exonerating the accused—such as the absence of a criminal event, the absence of elements constituting the crime in the alleged act, or the lack of any involvement of the accused in the commission of the offence—or circumstances that legally bar further proceedings in the case, including the expiration of the statute of limitations, the death of the accused, or other procedural impediments.

A detailed analysis of Article 362(2) CPC demonstrates that this provision directly refers to two distinct categories of grounds: first, the “grounds for the rehabilitation of the suspect or accused”, enumerated in Article 83 CPC; and second, the “circumstances precluding criminal proceedings”, contained in Article 84(1) and Article 84(5) CPC. Thus, even the termination of specific parts of the charges (partial termination) is legally contingent upon the presence of at least one of these grounds. This dual-track structure reflects the doctrinal position widely expressed in scientific literature, where the legal grounds for termination of charges are typically reduced to two major groups: (1) circumstances that fully exonerate the accused, and (2) circumstances that legally prevent further proceedings². However, such a dichotomous classification cannot be regarded as complete or conceptually exhaustive³.

As a matter of doctrinal interpretation, the possibility of terminating charges is not limited to the grounds specified in Articles 83 and 84 CPC alone. Article 362(1) CPC itself provides additional procedural scenarios—such as the emergence of new evidence, the clarification of ambiguity in the original indictment, or the discovery of incorrect legal qualification—that may necessitate the partial termination of certain components of the charges. These scenarios, however, can justify termination only where at least one of the legal grounds set forth in Article 83 or Article 84(1), (5) CPC is simultaneously present. Otherwise, a decision to terminate charges would lack legal justification and would contradict the principle of legality, thereby rendering the procedural act defective⁴.

From a systematic perspective, the grounds provided in Articles 83 and 84 CPC possess universal procedural significance across the entire criminal process. As indicated by the internal structure of the CPC—particularly Articles 333, 362, 373 and 381¹¹—the same legal grounds are simultaneously applicable for refusing to initiate a criminal case, partially terminating charges, or fully terminating criminal proceedings. Furthermore, their universality is reflected not only in pre-trial proceedings but equally during trial stages. Under Article 405¹⁰ CPC, the preliminary hearing of the court of first instance may apply these grounds; likewise, Article 421 CPC enables their application during the main trial hearing, and Article 496 CPC mandates their use by appellate, cassation and supervisory instances when overturning a conviction and terminating the criminal case. As B. B. Murodov correctly observes, the concentration of procedural grounds for refusal, termination, and partial termination in a single normative structure significantly facilitates consistent application and prevents unnecessary duplication within legislation⁵.

¹ Ўзбекистон Республикасининг Жиноят-процессуал кодекси - <https://lex.uz/docs/-111460>

² A.X.Rahmonqulov va b. Jinoyat-protsessual huquq: Darslik / Yuridik fanlar doktori, professor M. A. Rajabova tahriri ostida (To'ldirilgan va qayta ishlangan uchinchi nashri). – T.: O'zbekiston Respublikasi IIV Akademiyasi, 2019. – 446-bet;

³ Сахаддинов С. Ўзбекистон Республикасининг Жиноят-процессуал кодексига шарҳлар. Махсус қисм (илмий-амалий шарҳ)/Масъул муҳаррир: профессор Б.Х. Пўлатов //Тошкент: Янги аср авлоди. – 2014. – 89-б.;

⁴ Жиноят процессида таъкиб фаолиятини такомиллаштиришнинг назарий, амалий ва қонунчилик муаммолари /Ф.М.Мухитдинов; масъул муҳарриро. ф.д., проф. Р.Ж. Рўзиев; Ўзбекистон Республикаси Адлия вазирлиги, Тошкент давлат юридик институти - Тошкент: Фалсафа ва ҳуқуқ нашриёти, 2012. – б 86.

⁵ Муроодов Б. Б. Жиноят ишини тугатиш институтини такомиллаштириш //Юридик фанлар бўйича (DSc) диссертацияси. ИИВ Академияси. – 2018. – Т. 242.

Nevertheless, the current legislative design remains imperfect. Neither the titles nor the textual content of Articles 83 and 84 explicitly indicate their applicability as independent legal grounds for the partial termination of charges. This legislative gap has led to divergent interpretations in judicial-investigative practice and to procedural ambiguities in law-application. For this reason, clarifying in statutory language that these provisions apply to the partial termination of charges would enhance legal certainty, align legislation with doctrinal requirements of legislative technique, and ensure coherent application of the law across all stages of criminal proceedings.

A more nuanced problem arises in cases where partial termination is based on grounds enumerated in Article 83 CPC. In such cases, the defendant is not fully exonerated across the entire case but only with respect to a specific crime or a particular episode within the broader criminal conduct. This generates a conceptual dilemma: to what extent is it appropriate to refer to Article 83—whose legal purpose is to establish full exoneration and rehabilitation—when the accused may still face conviction on other charges within the same case? This tension between partial exoneration and the possibility of subsequent conviction demonstrates the need for clearer doctrinal and legislative delineation of the grounds for termination.

Thus, the foregoing analysis demonstrates the necessity of formulating a refined definition of the grounds for termination of charges. In our view, the grounds for termination of charges constitute legally established procedural circumstances, the presence of which makes it unreasonable, either in whole or in part, to continue the procedural activity associated with the exercise of the accusatory function. These grounds may pertain not only to the personal legal status of the accused—such as full exoneration or the presence of procedural obstacles—but also to the factual basis of the case, including the non-occurrence of a criminal event, the absence of corpus delicti, or the failure of certain episodes to be proven through investigation.

Consequently, the termination of charges is a complex institution, encompassing both substantive and procedural dimensions, and may address the liability of the individual, the factual structure of the alleged criminal behaviour, or the evidentiary sustainability of specific episodes within the case. A procedural ruling on partial termination may therefore certify the innocence or non-involvement of the accused with respect to a particular act, or alternatively, may recognise that no criminal event occurred, that the legal elements of the crime are absent, or that certain episodes have not been proven. This conceptualisation allows for a more accurate, coherent and principled application of the institution of termination of charges within the criminal justice system..

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