

الأثر الناقل للإستئناف

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المبحث الأول

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Transferring Effect of Appeal

Summary:

The Jordanian Law of Criminal Procedure did not specify clearly and explicitly the boundaries that the Court of Appeal is committed to in its consideration of an appeal case, as did some Arab laws. On the one hand, the Law gives the Court of Appeal the right not to comply with the reasons contained in the list of appeals. On the other, the Law grants the court of appeal the right to allow the opponents to give new reasons other than those contained in the list of appeals. On the third, it awards the right to hear new evidence within certain conditions. The Jordanian Law enjoins the need to contain clear and specific reasons in the list of appeals. This research will try to shed light on the approach of the Jordanian legislature in determining the powers of the Court of Appeal at the hearing of the dispute before it. Will it reconsider the case which the Court of First Instance has already heard? Is the court restricted by the matters and facts to be heard? Or will it hear the entire case? Is it true that the case is transferred to the Court of Appeal as it was before deciding by the Court of First Instance as is the way of the legislature and the judiciary in some neighboring Arab countries.