



Sudski tumač za engleski i talijanski jezik	
Prof. Boris Frakin, Zadar, Hrvatska	
Hrvatski jezik	
Ovjereni prijevod s hrvatskog na engleski jezik	
Naslov:	Ovjereni prijevod rješenja VKSRH broj IV Kr-30/2025-4
Broj stranica prijevoda:	3
Ukupan broj listova:	8
Broj ovjere:	HE-135/2026
Datum:	22. srpnja 2026.

Court interpreter for English and Italian language	
Prof. Boris Frakin, Zadar, Croatia	
English language	
Certified translation from the Croatian in English language	
Title:	Certified translation of the HCCRC Decision Number IV Kr-30/2025-4
Number of translated pages:	3
Total number of pages:	8
Certification number:	HE-135/2026
Date:	22 July 2026.

Ovjereni prijevod s hrvatskog na engleski jezik
Certified translation from the Croatian in English language



(Coat of Arms of the Republic of Croatia)

The Republic of Croatia
High Criminal Court of the Republic of Croatia
Zagreb, Savska cesta 62

Number IV Kr-30/2025-4

THE REPUBLIC OF CROATIA
THE DECREE

The High Criminal Court of the Republic of Croatia acting through the Panel composed of judges Željko Horvatić as President of the Panel, Marija Balenović and Maja Štampar Stipić as members of the Panel, with participation of the recording secretary and judicial adviser Martina Janković in the criminal proceedings against the defendant Karel Koes Hiranjgarbh Misser Paragh et al, due to a criminal offence under Article 293, paragraph 1 and 2 et al of the Criminal Law ("Official Gazette" no. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03 – Decree of the Constitutional Court, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11, hereinafter referred to as: CL/97) et al, ruling on the motion of the defendant due to criminal offense under Article 110 et al of the Criminal Law ("Official Gazette" no. 125/11, 144/12, 56/15, 61/15 and 101/17, hereinafter: CL/11), deciding on the motion of the defendant Karel Koes Hiranjgarbh Misser Paragh and the defendant Arnold Sonny Ebeciljodi to transfer the local jurisdiction, at the assembly of the Panel held on 23 April 2025,

ruled

The motion of the defendant Karel Koes Hiranjgarbh Misser Paragh and the defendant Arnold Sonny Ebeciljodi to derogate the local jurisdiction is hereby denied.

Reasoning

1. The President of the Gospić Municipal Court indictment panel submitted to the High Criminal Court of the Republic of Croatia in criminal proceedings number Kov-70/2023, pursuant to Article 28, paragraph 1 of the Criminal Procedure Code ("Official Gazette" No. 152/08, 76/09, 80/11, 91/12 - Decree of the Constitutional Court, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 80/22 and 36/24, hereinafter referred to as: CPC/08), the defendant's motion filed through the defence counsels, lawyers Vesna Alaburić and Marijana Tomić, to determine Zagreb Municipal Criminal Court for leading the proceedings in the criminal case against the defendant Karel Koes Hiranjgarbh Missier Paragh and the defendant Arnold Sonny Ebeciljodi, regarding the indictment of the Gospić Municipal State Attorney's Office, No. KO-DO-257/2024 of 10 October 2024, for the criminal offence referred to in Article 293, paragraph 2, in conjunction with paragraph 1 of the CL/97 et al, because they believe that it will conduct this procedure more easily and economically.

2. The motion is unfounded.

3. In the motion for the transfer of territorial jurisdiction, the defendants requested the transfer of territorial jurisdiction for several reasons, including that the defendants are citizens of the Netherlands, so their arrival and accommodation in Zagreb would be simpler and more economical, and that the defence counsels have their office in Zagreb, which would be simpler and more economical for them in this specific case, and so that the costs of translation both at hearings and in relation to witnesses from abroad would be more easily secured and borne by the Zagreb Court, which has a larger budget. As one particularly important reason, the proponents cite suspicion in the actions of the Gospić Municipal Court, which previously, in summary proceedings, rendered a guilty verdict by trying the defendants in absentia.

4. The High Criminal Court of the Republic of Croatia finds that the conditions set out in Article 28, paragraph 1 of the CPC/08 for the transfer of territorial jurisdiction have not been met, because there are no circumstances from which it could be concluded that it is obvious that the transfer of territorial jurisdiction to the Zagreb Municipal Criminal Court would make the proceedings easier, more economical and more just, or that there are other important reasons for the transfer of territorial jurisdiction.

5. Namely, and as follows from the case file, the reopening of the legally completed criminal proceedings against both defendants was permitted by the decision of the Gospić Municipal Court reference number Kv-13/2023-7 of 13 March 2023, since they were previously tried in absentia and it was decided that the matter should be returned to the charging procedure, after which an indictment was filed against the defendants by the Gospić Municipal State Attorney's Office reference number KO-DO-257/2024 of 10 October 2024, for the criminal offence referred to in Article 293, paragraph 2, in conjunction with paragraph 1 of the CL/97 et al.

6. The reasons stated in the motion cannot be reasons for the transfer of territorial jurisdiction, bearing in mind that jurisdiction is not transferred in order to facilitate the position of the defendants and their defence counsels. Likewise, the fact that the defendants were previously tried in absentia at the Gospić Municipal Court is not a sufficient reason for the failure of that Court to act, especially since that Court granted the defendants' request and allowed the reopening of the proceedings, which speaks in favour of the objectivity and impartiality of that Court's further proceedings. As for the costs of translation and witnesses, they are approved and borne from the state budget, so this reason is also completely unfounded. In addition, it should be noted that the Karlovac County Court had previously determined the Gospić Municipal Court (by the decision) under number Kv-190/12-4 of 20 February 2013 as the Court with venue competence and territorial jurisdiction to proceed in this criminal case.

7. Therefore, according to the assessment of the High Criminal Court of the Republic of Croatia, the legal reasons from Article 28, paragraph 1 of the CPC/08 for transferring jurisdiction in this case to another court with venue jurisdiction were not met, hence it was necessary to reject the motion and rule as in the wording (operative part).

Zagreb, 23 April 2025.

President of the Panel:
Željko Horvatić

ŽELJKO HORVATOVIĆ

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**COURT INTERPRETER AUTHENTICATION TEXT/
TEKST OVJERE SUDSKOG TUMAČA**

Ja, Boris Frakin, ovlaštteni sudski tumač za engleski i talijanski jezik, imenovan službenim rješenjem Ministra pravosuđa Republike Hrvatske Ivana Malenice klasa **UP/I-710-02/23-01/152**, urudžbeni broj: **514-03-03-02/05-23-06** od **5. travnja 2023.**, ovime potvrđujem da priloženi prijevod na engleskom jeziku u potpunosti odgovara izvorniku sastavljenom na hrvatskom jeziku.

I, Boris Frakin, official court interpreter authorized for the English and Italian language, appointed by the formal decree of the Minister of Justice and Administration of the Republic of Croatia Ivan Malenica Class **UP/I-710-02/23-01/152**, Reference Number: **514-03-03-02/05-23-06** of **5. April 2023**, hereby solemnly verify that the adjacent translation in English language entirely corresponds to the original composed in Croatian language.

Zadar, 22. srpnja 2026.
Zadar, 22 July 2026



Broj upisa: HE-135/2026
Entry number: HE-135/2026

Boris Frakin, Prof.

A handwritten signature in dark ink, appearing to be "B. Frakin", written over a horizontal line.

SADRŽAJ UVEZA/HRVATSKI JEZIK:

Prijevod i ovjera ovog dokumenta sadrži sveukupno 8 (osam) tiskanih stranica, od čega 3 (tri) stranice pripadaju prijevodu rješenja VKSRH broj IV Kr-30/2025-4.

LIGATURE CONTENT/ENGLISH LANGUAGE:

The document translation and certification hereto contain 8 (eight) printed pages in total, whereupon 3 (three) pages pertain to the translation of the HCCRC Decision Number IV Kr-30/2025.



Republika Hrvatska
Visoki kazneni sud Republike Hrvatske
Zagreb, Savska cesta 62

Poslovni broj: IV Kr-30/2025-4

REPUBLIKA HRVATSKA

RJEŠENJE

Visoki kazneni sud Republike Hrvatske, u vijeću sastavljenom od sudaca Željka Horvatovića, predsjednika vijeća te Marije Balenović i Maje Štampar Stipić, članica vijeća, uz sudjelovanje sudske savjetnice Martine Janković, zapisničarke, u kaznenom predmetu protiv okrivljenog Karela Koesa Hiranjgarbha Missiera Paragha i drugih, zbog kaznenog djela iz članka 293. stavka 2. u vezi sa stavkom 1. Kaznenog zakona ("Narodne novine" broj 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03. – odluka Ustavnog suda, 105/04., 84/05., 71/06., 110/07., 152/08. i 57/11. – dalje: KZ/97.) i drugih, odlučujući o prijedlogu okrivljenog Karela Koesa Hiranjgarbha Missiera Paragha i okrivljenog Arnolda Sonny Ebeciljodija za prenošenje mjesne nadležnosti, u sjednici vijeća održanoj 23. travnja 2025.

r i j e š i o j e

Odbija se prijedlog okrivljenog Karela Koesa Hiranjgarbha Missiera Paragha i okrivljenog Arnolda Sonny Ebeciljodija za prenošenje mjesne nadležnosti.

Obrazloženje

1. Predsjednica optužnog vijeća Općinskog suda u Gospiću, u kaznenom predmetu broj Kov-70/2023. dostavila je Visokom kaznenom sudu Republike Hrvatske, temeljem članka 28. stavka 1. Zakona o kaznenom postupku ("Narodne novine" broj 152/08., 76/09., 80/11., 91/12.-Odluka Ustavnog suda, 143/12., 56/13., 145/13., 152/14., 70/17., 126/19., 80/22. i 36/24., dalje: ZKP/08.), prijedlog okrivljenika podnesen po braniteljicama, odvjetnici Vesni Alaburić i odvjetnici Marijani Tomić, da se za vođenje postupka u kaznenom predmetu protiv okrivljenog Karela Koesa Hiranjgarbha Missiera Paragha i okrivljenog Arnolda Sonny Ebeciljodia, povodom optužnice Općinskog državnog odvjetništva u Gospiću, broj KO-DO-257/2024. od 10. listopada 2024., zbog kaznenog djela iz članka 293. stavka 2. u vezi sa stavkom 1. KZ/97. i drugih, odredi Općinski kazneni sud u Zagrebu, jer smatraju da će isti lakše i ekonomičnije provesti ovaj postupak.

2. Prijedlog nije osnovan.

3. U prijedlogu za prenošenje mjesne nadležnosti okrivljenici traže prenošenje mjesne nadležnosti iz više razloga, a između ostalog, što su okrivljenici državljani Nizozemske, pa bi im dolazak i smještaj u Zagrebu bio jednostavniji i ekonomičniji te što braniteljice imaju sjedište ureda u Zagrebu, što bi u konkretnom slučaju i za njih bilo jednostavnije i ekonomičnije te kako bi se troškovi prijevoda i na raspravama i u odnosu na svjedoke iz inozemstva lakše osigurali i snosili kod suda u Zagrebu koji ima veći proračun, a kao jedan posebno važan razlog predlagatelj navode sumnju u postupanje Općinskog suda u Gospiću koji je prethodno, u kratkom postupku, donio osuđujuću presudu i to suđenjem okrivljenicima u odsutnosti.

4. Visoki kazneni sud Republike Hrvatske nalazi da nisu ispunjeni uvjeti iz članka 28. stavka 1. ZKP/08. za prenošenje mjesne nadležnosti, jer nema takvih okolnosti iz kojih bi se dalo zaključiti kako je očito da će se prenošenjem mjesne nadležnosti na Općinski kazneni sud u Zagrebu lakše, ekonomičnije i pravičnije provesti postupak, odnosno kako postoje drugi važni razlozi za prenošenje mjesne nadležnosti.

5. Naime, a kako to iz spisa predmeta proizlazi, rješenjem Općinskog suda u Gospiću, broj Kv-13/2023-7 od 13. ožujka 2023., dopuštena je obnova pravomoćno dovršenog kaznenog postupka protiv oba okrivljenika, budući im se prethodno sudilo u odsutnosti te je odlučeno da se stvar vraća u postupak optuživanja, a nakon čega je protiv okrivljenika i podnesena optužnica Općinskog državnog odvjetništva u Gospiću, broj KO-DO-257/2024. od 10. listopada 2024., zbog kaznenog djela iz članka 293. stavka 2. u vezi sa stavkom 1. KZ/97. i drugih.

6. Razlozi koji se navode u prijedlogu, ne mogu biti razlozi za prenošenje mjesne nadležnosti, imajući u vidu da se nadležnost ne prenosi kako bi se okrivljenicima i njihovim braniteljima olakšao njihov položaj. Jednako tako, okolnost što je okrivljenicima prethodno suđeno u odsutnosti kod Općinskog suda Gospiću, nije dostatan razlog za nepostupanje tog suda, pogotovo stoga što je upravo od strane tog suda udovoljeno zahtjevu okrivljenika i dozvoljena obnova postupka, što govori u prilog objektivnosti i nepristranosti u daljnjem postupanju tog suda. Što se tiče troškova prijevoda i svjedoka isti se odobravaju i snose iz državnog proračuna, pa je i taj razlog posve neosnovan. Osim toga, ovdje se valja osvrnuti i na to da je već ranije rješenjem Županijskog suda u Karlovcu pod brojem Kv-190/12-4 od 20. veljače 2013., Općinski sud u Gospiću određen kao stvarno i mjesno nadležan sud za postupanje u ovom kaznenom predmetu.

7. Stoga, prema ocjeni Visokog kaznenog suda Republike Hrvatske, u konkretnom slučaju nisu ispunjeni zakonski razlozi iz članka 28. stavka 1. ZKP/08. za prenošenje nadležnosti na drugi stvarno nadležni sud, pa je prijedlog trebalo odbiti i odlučiti kao u izreci.

Zagreb, 23. travnja 2025.

Predsjednik vijeća:
Željko Horvatić

Broj zapisa: 9-30877-57499

Kontrolni broj: 0d953-e109e-4b76a

ŽELJKO HORVATOVIĆ
HR-33701313563



Elektronički potpisan: 13.05.2025T07:49:19 (UTC:2025-05-13T05:49:19Z)

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