

A Comparative Study of the Vehicle Search in the Criminal Procedures of Iran and the U.S.A

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Supporting the right of privacy is one of the functions of criminal procedure. One of the aspects of this right is vehicle search. American legal system has not extended full protection to the automobiles. The rationale for decreased protection is twofold. First, due to the mobile nature of automobiles, evidence can be disappeared or destroyed quickly. Second, automobiles are used on the public roads where their occupants are visible to the public. A vehicle may be searched if a police has reasonable suspicion. The vehicle search at serious crimes or exigent circumstances is possible without a warrant under legal conditions. The fundamental criteria according to Iranian criminal procedure to search are based on crimes that are divided into two types: obvious and non-obvious. Only in obvious crimes without any warrant the search has been permitted. On the other hand, considerable and accurate rules to search passengers' vehicle and scope of the search of the vehicle in the Iranian criminal procedure has not been predicted, therefore, this action will invade the persons' rights. Obtaining a search warrant is a fundamental principle. At this article we are going to study the allowable search situation and rules governing the search and inspection.

Key words: *Observation of the right to privacy, Search and inspection, Criminal procedure, Vehicle.*

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