

**By the Judgement of 15 June 2021 No. 28-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 24, part one, item 2 of the Code of Criminal Procedure of the Russian Federation.**

This provision was subject to consideration insofar as it served as basis for decision on the termination of a criminal case due to lack of *corpus delicti* without prior deciding on the presence of the event of crime, and for judicial review of lawfulness and reasonableness of the decision to terminate a criminal case.

The challenged provision was recognised as not contravening the Constitution of the Russian Federation since according to its constitutional legal meaning within the system of current legal regulation it implies the following:

refusal to initiate a criminal case due to lack of *corpus delicti* is possible only on condition of prior establishment that a socially-dangerous act containing objective elements of crime has taken place and that it was performed by a concrete person;

lawfulness and reasonableness of choice of the grounds to refuse initiation of a criminal case are subject to judicial review upon complaint of a person concerned under the order prescribed by Article 125 of the Code of Criminal Procedure of the Russian Federation taking into account facts and circumstances reflected in the case file that served as basis to take the relevant decision, circumstances affecting the conclusion as regards presence of factual and legal grounds to refuse initiation of a criminal case with reference to certain provisions, and positions of the parties.