

**Judgment of the Constitutional Court of the Russian Federation of 30
November 2012 No. 29-II. Resume.**

By the Judgment of 30 November 2012 No. 29-II the Constitutional Court gave appraisal of constitutionality of the provisions of Section 5 of Article 244.6 and Section 2 of Article 333 of the Civil Procedure Code of the Russian Federation

The petitioners contested normative provisions according to which private complaint, prosecutor's report on the ruling of a court of the first instance, including those related to the return of applications on awarding of compensation for violation of the right to a judicial proceedings within a reasonable time or the right to execution of a court judgment within a reasonable time, with the exception of rulings on suspension of the proceedings on a case, on discontinuance of the proceedings on a case, on leaving an application without consideration, are considered by a court of appellate instance without notification of persons participating in the case.

The Constitutional Court has recognized the contested provisions as not contradicting the Constitution of the Russian Federation, so far as they contemplate vesting the persons participating in the case with the right to be notified of the fact itself of the submission of a private complaint on a ruling of a court of the first instance with obligatory granting them the possibility to familiarize themselves with private complaint, and in cases when private complaint is considered without holding a hearing to send to the court their opinion with regard to it in writing.

Herewith the Constitutional Court has pointed out that the contested provisions contemplate notification of persons participating in the case about the time and place of court session on consideration by the court of the second instance of a private complaint against the ruling of the court of the first instance with holding of hearings in cases when review of the legality and validity of a ruling of the court of the first instance is impossible without examination of present in the case or newly submitted evidence, as well as when the court of the second instance, taking into account the character and complexity of the decided procedural question and bearing in mind the arguments of a private complaint, comes to the conclusion that it is necessary to grant persons participating in the case the possibility to inform the court of the second instance of their position orally.

30 November 2012