

**Judgment of the Constitutional Court of the Russian Federation of 1 July
2013 No. 16-II. Resume.**

By the Judgment of 2 July 2013 No. 16-II the Constitutional Court gave appraisal of constitutionality of the provisions of Section 1 of Article 237 of the Criminal Procedure Code of the Russian Federation

The subject-matter of consideration by the Constitutional Court were the legislative provisions, contested by the applicant, on the basis of which the question is resolved on return, upon a motion of a party or court's own initiative, of a criminal case to the prosecutor for elimination of obstacles for its consideration by court as applied to events when actual circumstances, expounded in the accusatory conclusion, bill of indictment or accusatory resolution, testify to the presence of signs of more grave crime in the actions of the accused or when in the course of preliminary hearing or court examination actual circumstances are established, being ground for qualification of the action as a more grave crime.

The Constitutional Court pointed out that in the indicated events the contested provisions hinder the self-sufficient and independent choice by a court of the criminal law norms subject to application. In this part the said legislative provisions, including in their interconnection with Section 2 of Article 252 of the Criminal Procedure Code of the Russian Federation, excluding the possibility of altering the charges in the direction deteriorating the state of a defendant in court examination, were recognized as not conforming to the Constitution of the Russian Federation.

01 July 2013