

By the Judgment of 10th December, 2014 No. 31-II/2014 the Constitutional Court gave appraisal of constitutionality of Sections 6 and 7 of Article 115 of the Criminal Procedure Code of the Russian Federation.

The contested legislative provisions were the subject-matter of consideration to the extent to which legal regime of property in the form of non cash monetary means established by them in order to ensure execution of a sentence with regard to the civil suit contemplates no possibility to transfer monetary means which were stolen from settlement account of a person, recognized as a victim and civil plaintiff in this criminal case, and arrested on settlement accounts belonging to third persons, to the account of some other person to ensure their safety, including in the event when preliminary investigation on this criminal case has been suspended for indefinitely long term in connection with non-establishment of a person subject to be called to account as an accused.

The Constitutional Court recognized the contested normative provisions as conforming to the Constitution of the Russian Federation to the extent to which differences in the legal mechanism of ensuring safety of monetary means and other property established by them are determined by different – material and non-material – nature of respective objects of civil rights.

At the same time, disputable normative provisions were recognized as not conforming to the Constitution of the Russian Federation to the extent to which the indicated mechanism does not guarantee effective protection of the rights and lawful interests of the person recognized as a victim and civil plaintiff in a criminal case, within the framework of the proceeding on which monetary means stolen from the account of this person and staying on the accounts of third persons have been seized, in cases when preliminary investigation on this criminal case has been suspended for indefinitely long term in connection with non-establishment of a person subject to be called to account as an accused.

Until respective legislative amendments are made, the contested provisions must not be regarded as hindering in such cases transfer of non cash monetary

means, which within the framework of the proceeding on a criminal case have been seized in order to ensure execution of a sentence with regard to the civil suit for storage on a deposit account of a territorial body of the Federal Treasury or, if circumstances of this criminal case allow, lifting of the seizure from these monetary means as well as settlement of the dispute on belonging of the seized monetary means staying on the accounts of third persons in the procedure of civil judicial proceedings upon the suit of the person recognized as victim and civil plaintiff in the criminal case.