

By the Judgment of 2 March 2017 No. 4-II/2017 the Constitutional Court gave appraisal of constitutionality of the provisions of Item 3 of Section 1 of Article 24, Item 1 of Article 254 and Section 8 of Article 302 of the Criminal Procedure Code of the Russian Federation

The contested provisions were the subject-matter of consideration insofar as on their basis court resolves the question of discontinuance of a criminal case due to expiry of limitation periods of criminal persecution.

Disputable norms were recognised as not contradicting the Constitution of the Russian Federation, so far as they contemplate that in discontinuance of a criminal case due to expiry of limitation periods of criminal persecution with the accused person's (defendant's) consent:

victim, if he has well-founded doubts as to correct calculation of limitation periods of criminal persecution, is entitled to submit his objections against the discontinuance of a criminal case, which must be examined by court, and in the event of taking decision on the discontinuance of the criminal case – to contest it in the procedure established by the procedure law because of its unlawfulness and groundlessness;

the victim still has the opportunity to protect his rights and lawful interests in the procedure of civil judicial proceedings, bearing in mind the rules on periods of limitation of actions, and the accused person (defendant) is not released from liabilities to compensate damage caused by the unlawful action. The victim must be provided with assistance from competent bodies of the State in receiving proof confirming the fact of causing such damage;

court considering in the procedure of civil judicial proceedings the action for damages caused by the person subjected to criminal persecution must accept the data of the preliminary investigation. This is, *inter alia*, information contained in the decision on discontinuance of the criminal case in respect of this person due to expiry of limitation periods of criminal persecution as written evidence. Court

must appraise these and other proof of the case with its inner conviction based on their thorough, full, objective and immediate examination;

victim is not deprived of the right to appeal to court with the application on compensation for the violation of the right to a fair trial within a reasonable time.