

By the Judgement of 15 February 2022 No. 6-II the Constitutional Court assessed constitutionality of Article 242 and Article 255, part 1 and 3 of Criminal Procedure Code.

These provisions were subject to examination insofar as they served as legal basis, at the stage of the trial in a criminal case, it is allowed to resolve the issue of extending the period of detention of the defendant in custody not by the composition of the court in which the criminal case is being conducted, but by another judge of the same court without replacing the judge (composition of the court) who accepted the case for his production in the legitimate absence of a judge.

The challenged norms were recognised as not contravening the Constitution of the Russian Federation since they allow if the resolution of the urgent issue, and its implementation by the judge (composition of the court) in whose proceedings the criminal case is, objectively impossible, to make a decision to extend the period of detention (to cancel or change this preventive measure) solely to another judge of the same court, determined in accordance with the principle of distribution of cases established by law, based on the results of studying the materials of the criminal case, research in the conditions of verbatim and immediacy of the evidence presented by the parties to the prosecution and defense, confirming the presence or absence of grounds for the application of this preventive measure.