

By the Judgement of 19 June 2023 No.33-II, the Constitutional Court assessed constitutionality of Article 82 and Article 240 of the Criminal Procedure Code of the Russian Federation

These interrelated legal provisions were the subject of consideration to the extent that they resolve the issue of material evidence in several criminal cases after the court verdict on one of them entered into force, when these material evidences have not been investigated in another criminal case.

The contested legal provisions were recognized as inconsistent with the Constitution to the extent that they serve as the basis for the destruction of objects that are material evidence in two or more criminal cases after the court verdict in one of these criminal cases enters into force, despite the fact that the verdict in other case has not entered into force.

Until appropriate legislative changes are made, regarding the resolution of the issue of material evidence at the judicial stage of criminal proceedings, the storage of these items should be ensured for their possible direct examination in each of the criminal cases before the court verdict enters into force in relation to each of these criminal cases, if such preservation is possible.