

By the Judgement of 28 June 2023 No.36-II, the Constitutional Court assessed constitutionality of Article 24 (part 4) and Article 27 (item 5 of part 1) of the Criminal Procedure Code of the Russian Federation

These provisions were the subject of consideration to the extent that they serve as the basis for resolving the issue on termination a criminal case of private prosecution by a court if there is non-cancelled decision of the preliminary investigation body to refuse to institute criminal proceedings against the same person on the same charge.

The contested provisions were recognized as not contradicting the Constitution, since they do not imply the termination by the court of a criminal case and criminal prosecution against a suspect or accused on private prosecution in this case.

The Constitutional Court concluded that there were no grounds for reviewing the judicial decisions in the applicant's case. At the same time, the applicant has the right to apply compensatory mechanisms, whose form and amount shall be determined by the court that reviewed the case in the first instance.