

By the Judgement of 6 May 2025 № 19-II, the Constitutional Court assessed constitutionality of Article 74 and Article 389¹¹ (part 3) of the Criminal Procedure Code of the Russian Federation

The said legal provisions were the subject of consideration to the extent that they on their basis, a criminal case is returned to the court of first instance for internal inspection in the event of violations committed in the preparation of the protocol of the court hearing regarded as an obstacle to the consideration of this criminal case in the court of appeal.

The contested legal provisions were found as not contradicting the Constitution since they:

do not allow the court of appeal to return a criminal case to the court of first instance in the specified circumstances, which does not preclude the court of appeal from initiating an internal inspection in the court of first instance to clarify the factual circumstances of the compliance with the requirements for the procedure for maintaining, drawing up and signing the protocol of court hearing;

assume the examination of the materials of the conducted internal inspection in the court of appeal in compliance with the principles of immediacy and orality when assessing the relevance, admissibility and reliability of the protocol of court hearing.

The applicant is entitled to compensation in connection with the law enforcement decisions, based on the contested provisions in an interpretation that contradicts to the identified constitutional legal meaning.