

**By the Judgement of 16 January 2025 No.1-II, the Constitutional Court assessed constitutionality of Article 392 (part 3) of the Civil Procedure Code of the Russian Federation**

The above-mentioned legal provision was the subject of consideration in so far as it resolves the issue of the review of judicial decisions on newly discovered circumstances relating to criminal offences consisting in the production of false evidence previously used in a dispute which has been examined in accordance with the rules of the Civil Procedure Code or affecting the subject-matter of that dispute, and which are reflected in the refusal to initiate (or to terminate) criminal proceedings on the grounds of the expiry of the statute of limitations, when the existence of such circumstances casts doubt on the validity of a judicial act which has entered into legal force.

The contested provision was found to be incompatible with the Constitution insofar as it does not allow the above-mentioned circumstances, which were established in criminal proceedings, to be considered as newly discovered when they cast doubt on the validity of a judgment which has become final and were not established during the examination of the civil case through no fault of the applicant.

Until the appropriate changes are made in the legislation, the court which has received the application for review of judicial decisions on newly discovered circumstances should consider these circumstances from the point of view of their relevance for the conclusions drawn in the judicial decisions on the dispute and from their importance for the case and, if they are confirmed, this fact should be the basis for review of judicial decisions on newly discovered circumstances, if the existence of such circumstances was not disclosed during the consideration of the dispute in accordance with the provisions of the Civil Procedure Code, while the person initiating the review of the case did not know and should not have known about them, or if they were disclosed, but the allegations were not verified by the court by procedural means comparable to those used during the pre-trial investigation or during the investigation of the criminal case to establish the relevant circumstances. In any event, it should not be a ground for refusing such a review if the relevant circumstances are not indicated in the judicial decision.