

By the Judgement of 24 November 2025 No.40-II, the Constitutional Court assessed constitutionality of Article 231 (part 5) of the Criminal Procedure Code of the Russian Federation.

The specified legal provision was subject to review to the extent that it serves as the basis for resolving the issue in a case where after a higher court has overturned a verdict and returned the criminal case to a court of first instance for a new trial before a different panel of judges, a defendant's motion for a preliminary hearing to decide on the case being heard by a court with the participation of a jury, with the proceedings starting from the preparatory stage for the court hearing.

The contested legal provision is recognised as not contravening the Constitution to the extent that, according to its constitutional legal meaning it implies that in the noted circumstances the court must rule on the defendant's motion for a preliminary hearing to decide on the criminal case being considered by a court with the participation of a jury.

The Constitutional Court concluded that there were no grounds for reviewing the applicant's case.