

IN THE NAME OF THE REPUBLIC OF ARMENIA  
DECISION OF THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF ARMENIA

ON THE CASE ON CONFORMITY OF PARTS 5 AND 6 OF ARTICLE 21, ARTICLE 66, ARTICLES 426.2 AND 426.3, NORMS PRESCRIBED IN CHAPTER 49 OF THE RA CRIMINAL PROCEDURE CODE, ARTICLE 13, ARTICLE 84, NORMS PRESCRIBED IN CHAPTER 12 OF THE RA CRIMINAL CODE (TITLED "EXEMPTION FROM PUNISHMENT"), THE RA LAW ON MAKING AMENDMENTS AND ADDENDA TO THE RA CRIMINAL CODE (16 MAY 2016 HO-83-N) WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE APPLICATIONS OF FIRST INSTANCE COURT OF GENERAL JURISDICTION OF AVAN AND NOR NORK ADMINISTRATIVE DISTRICTS OF YEREVAN CITY

Rapporteur K. Balayan

Based on the review of the Case and governed by Point 1 of Article 100, Point 7 of Part 1, Article 101, and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), Point 2 of Article 32, Point 1 of Article 60, Articles 63, 64 and 71 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. In regard to Parts 5 and 6 of Article 21, Article 66, Article 426.3, norms prescribed in Chapter 49 of the RA Criminal Procedure Code, to partially terminate the proceeding of the Case on conformity of Parts 5 and 6 of Article 21, Article 66, Articles 426.2 and 426.3, norms prescribed in Chapter 49 of the RA Criminal Procedure Code, Article 13, Article 84, norms prescribed in Chapter 12 of the RA Criminal Code (titled "Exemption from Punishment"), the RA Law on Making Amendments and Addenda to the RA Criminal Code (16 May 2016 HO-83-N) with the Constitution of the Republic of Armenia based on the Applications of First Instance Court of General Jurisdiction Avan And Nor Nork administrative districts of Yerevan city.
2. Article 13 of the RA Criminal Code complies with the Constitution of the Republic of Armenia.
3. The RA Law HO-83-N "On Making Amendments and Addenda to the RA Criminal Code" is in conformity with the Constitution of the Republic of Armenia.
4. Article 426.2 of the RA Criminal Procedure Code and Part 1 of Article 426.4 of the RA Criminal Procedure Code, which is in systemic relationship with it, is in conformity with the Constitution of the Republic of Armenia in such a constitutional legal content

according to which, based on the direct effect of Article 72 of the RA Constitution, **entry into force of the law abolishing the punishability of an act shall be perceived in the law enforcement practice as a new circumstance, and a judicial act, which entered into legal force, shall be reviewed on the basis of the new circumstance by the procedure prescribed in the RA Criminal Procedure Code.**

5. Pursuant to Part 2 of Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005) this Decision is final and enters into force from the moment of the announcement.

February 14, 2017

DCC-1348