

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

ON THE CASE OF CONFORMITY OF ARTICLE 375 AND PARAGRAPH 1, PART 1, ARTICLE 379 OF THE RA CRIMINAL PROCEDURE CODE AND PARTS 2 AND 3 OF ARTICLE 343 OF THE RA CRIMINAL CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF VARTGEZ GASPARI

Rapporteur A. Gyulumyan

Based on the review of the Case and ruled by Point 1 of Article 100, and Article 102 of the Constitution of the Republic of Armenia (with Amendments of 2005), Articles 32, 60, 63, 64 and 69 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia HOLDS:

1. To terminate in part proceedings regarding Parts 2 and 3 of Article 343 of the RA Criminal Code initiated on the basis of Vartgez Gaspari's application for determination on compliance of Article 375, and Paragraph 1, Part 1 of Article 379 of the RA Criminal Procedure Code, Parts 2 and 3 of Article 343 of the RA Criminal Code with the Constitution of the Republic of Armenia.

2. Article 375 of the Criminal Code **of the Republic of Armenia** is in conformity with the Constitution of the Republic of Armenia in such constitutional and legal content, according to which the terms "shall be delivered" and "is delivered" mean **provision of act (full text) in any form (as well as electronic version) to the subjects prescribed by the law, provided that making available the judicial act electronically shall not exclude provision of the hard copy of the judicial act.**

3. Paragraph 1 of Part 1 of Article 379 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia insofar as it guarantees **the prescribed full duration for the appeal of the judicial act entirely without consideration of the time period prescribed for availability of the copy of the judicial act in any form (as well as electronic version).**

4. On the basis of Part 12, Article 69 of the Law of "On the Constitutional Court" of the Republic of Armenia, the final judicial act, adopted on the admissibility of the appeal of the Applicant, is a subject to revision due to new circumstances, as Article 375 and Paragraph 1, Part 1, Article 379 of the RA Criminal Procedural Code are implemented against the Applicant in an interpretation which differs from the constitutional-legal content envisaged in the second and third paragraphs of the final part of this Decision.

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.

December 8, 2017

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