

**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 174 AND PART 3 OF ARTICLE 262 OF  
THE RA CRIMINAL PROCEDURE CODE WITH THE CONSTITUTION OF THE  
REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE COURT OF  
GENERAL JURISDICTION OF AVAN AND NOR NORK ADMINISTRATIVE DISTRICTS  
OF YEREVAN**

**Rapporteur A. Khachatryan**

Based on the review of the Case and being governed by Point 1 of Article 100, Point 7 of Part 1 of Article 101, and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), 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. Article 174 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia in the constitutional legal content, according to which, the motion for recovering the missed time limit for proceeding shall be lodged together with the relevant appeal.
2. Part 3 of Article 262 of the RA Criminal Procedure Code is in conformity with the Constitution of the Republic of Armenia in the constitutional legal content, according to which, **the right of the injured person or other participants of the proceeding - as prescribed by Part 1 of Article 262 of the Code - to becoming familiar with the materials of the case when the preliminary investigation is concluded through striking out the proceedings of the case, shall be exercised prior to the adoption of the decision on striking out the proceedings of the case and termination of criminal proceedings, i.e. during the period of time prior to the conclusion of the preliminary investigation.**
3. The provision “The right to becoming familiar with the materials of the case is to be explained to the persons prescribed by Part 1 of this Article” as prescribed by Part 2 of Article 262 of the RA Criminal Procedure Code systemically interrelated with Article 174 and Part 3 of Article 262 of the same Code is in conformity with the Constitution of the Republic of Armenia in the constitutional legal content, according to which, **the duty to explain the right of the injured person or other participants of the proceeding - as prescribed by Part 1 of Article 262 of the Code - to becoming familiar with the materials of the case when the preliminary investigation is concluded through striking out the proceedings of the case, shall be exercised prior to the adoption of the decision on striking out the proceedings of the case and termination of criminal proceedings, i.e. during the period of time prior to the conclusion of the preliminary investigation.**

4. 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.

**May 30, 2017**

**DCC-1372**