

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

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF ARTICLE 398 § 3 OF THE
CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA, RAISED BY THE
APPLICATION OF ARUSYAK ALEKSANYAN**

Based on the examination of the case and subject to Article 168(1), Article 169 § 1(8), and Article 170 of the Constitution, as well as guided by Articles 63, 64 and 69 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. Article 398 § 3 of the Criminal Procedure Code of the Republic of Armenia complies with the Constitution by the interpretation that the decision of the Cassation Court on the refusal to accept the special appeal for proceedings, along with the underlying conclusion, must also contain the justification leading to such a conclusion.

2. According to Article 69 § 10 of the Constitutional Law on the Constitutional Court, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstances as prescribed by the Law, since Article 398 § 3 of the Criminal Procedure Code of the Republic of Armenia had been applied against the applicant by an interpretation other than given by this Decision.

3. Pursuant to Article 170 § 2 of the Constitution, this Decision shall be final and shall enter into force upon its promulgation.

December 19, 2023

DCC-1707