

With the Decision of the Constitutional Court dated 01/06/2023 and numbered 2022/120 E. 2023/107 K.,

08/08/2023

With the Decision of the Constitutional Court dated 01/06/2023 and numbered 2022/120 E. 2023/107 K., The paragraph 5 of the Article 231 of the Criminal Procedure Law Numbered 5271 which is: *“If the sentence imposed for the crime charged to the defendant at the end of the proceeding is imprisonment for two (2) years or less or a judicial fine; the court may decide to defer the announcement of the verdict.”* was annulled on the grounds that it violates the right to a fair trial due to applicability and lack of supervision of the HAGB (Deferment of the Announcement of the Verdict); it is among the State’s obligations to ensure that perpetrators should be punished in proportion to their actions, and that the relevant provision fails to provide adequate redress for victims, and that it is not an effective means of supervision in balancing the conflicting interests.

As a result of the annulment decision of this provision, as per the Paragraph 4 of the Article 43, of the Law numbered 6216, *“If the annulment of certain rules results in the non-application of other rules or all of them, it is decided to annul other articles.”*; therefore it has been unanimously decided that, paragraphs 6, 7, 8, 9, 10, 11 and 13 of the Article 231 of the Criminal Procedure Law shall be annulled and this decision shall enter into force 1 year after its publication in the Official Gazette.

You can access the full text of the decision at <https://www.resmigazete.gov.tr/eskiler/2023/08/20230801-5.pdf>