**Original**

In accordance with Articles 10, 2, 358 of the Commercial Code of October 27, 2013, the Government **DECIDES**:

**Article 6. Legitimacy**

      1. When examining and settling civil cases, a court must strictly comply with the requirements of the Constitution of the Republic of Kazakhstan, the constitutional laws of the Republic of Kazakhstan, this Code and other regulatory legal acts subject to the application of international treaties of the Republic of Kazakhstan.

      2. The courts shall have no right to apply laws and other regulatory legal acts infringing on the rights and liberties of an individual and a citizen established by the Constitution.  If a court finds that a law or other regulatory legal act subject to application infringes on the rights and liberties of an individual and a citizen it shall suspend legal proceedings and address the Constitutional Council of the Republic of Kazakhstan with a proposal to declare that law unconstitutional. When the court receives the final decision of the Constitutional Council, the proceedings are resumed.

      3. If an act of state bodies or other body is not in accordance with the law or it was issued exceeding authority, the court shall apply the law.

      4. In the absence of rules of law governing the contentious legal relationship, the court applies the rules of law governing similar relationship, and in the absence of such rules resolves the dispute based on the general principles and meaning of the legislation of the Republic of Kazakhstan.

      5. If the law or agreement of the parties to the dispute provides for the resolution of relevant issues by the court, the court is obliged to resolve these issues based on the criteria of fairness and reasonableness.

**Article 176.**

**Misappropriation or embezzlement of another person's entrusted property**

1. Misappropriation or embezzlement, that is theft of another person's property entrusted to the convicted person, -

is punished with a fine of from two hundred to five hundred monthly notional units or in the amount of the salary or other income of the convict for a period of from two to five months, or by engaging in public works for a period of from one hundred twenty to one hundred eighty hours, or corrective labour for a period of up to two years, or detention for up to six months, or imprisonment for up to three years.