In accordance with articles 10, 2, 358 of the Commercial Code of 27 October 2013, the Government makes a **RESOLUTION** as follows:

**Article 6. Legitimacy**

      1. In considering and resolving civil cases, the court is obliged to strictly comply with the requirements of the Constitution of the Republic of Kazakhstan, constitutional statutes of the Republic of Kazakhstan, this Code and other regulatory legal acts and international treaties of the Republic of Kazakhstan subject to application.

      2. The courts are not entitled to apply laws and other regulatory legal acts that infringe the rights and freedoms of an individual and a citizen established by the Constitution. If the court finds that the law or other regulatory legal act to be applied infringes the rights and freedoms of an individual and a citizen established by the Constitution, it is obliged to suspend the proceedings on the case and apply to the Constitutional Council of the Republic of Kazakhstan with a view to deem such act unconstitutional. Upon the receipt by the court of the final decision of the Constitutional Council, the proceedings on the case will be resumed.

      3. The court, having established in considering and resolving the case the non-compliance of the act of a state or other body with the law or its issuance in excess of powers, will apply the norms of law.

      4. In case of the absence of the norms of law governing the disputed legal relationship, the court will apply the norms of law governing similar relationship or, in the absence of such norms, will resolve the dispute on the basis of 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 the relevant issues by the court, the court is obliged to resolve these issues on the basis of the criteria of fairness and reasonableness.

**Article 176.**

**Misappropriation or embezzlement of the property of others**

1. Misappropriation, or embezzlement, that is, theft of the property of another entrusted to the perpetrator,

is punishable with a fine in the amount of two hundred to five hundred monthly calculation indices or in the amount of the salary or other income of the convicted person for the period of two to five months or with the engagement in community service for the period of one hundred and twenty to one hundred and eighty hours or with correctional labor for the period of up to two years or with arrest for the period of up to six months or with imprisonment for the period of up to three years.