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Uchylenie wyroku sądu odwoławczego na skutek skargi nadzwyczajnej oskarżyciela publicznego. Wyrok Sądu Najwyższego z dnia 28 sierpnia 2018 r., III KS 19/18 (Repeal of a judgement following the extraordinary appeal. Judgement of the Supreme Court of 28 August 2018 in Case III KS 19/18)

The Author of the commentary aimed at analysing the possibility to revoke the cassation judgement of the second-instance court following the introduction by the parties to the proceedings the extraordinary remedy – appeal from the judgement of the appeal court – in force since 15 April 2016. The perfect occasion has come with the judgement of the Supreme Court of 28 August 2018 in Case III KS 19/18 which has to be assessed critically as in the light of provisions of Article 539a(2) of the Code of Criminal Procedure there is no possibility to revoke a judgement of an appeal court because of the lack of grounds mentioned in Article 437(2) in fine of the Code.