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Appeal Solely on Civil Interests and Absolute Nullity Under Article 573 of the Criminal Procedure Code

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ABSTRACT
In an appeal lodged by the civil claimant solely on civil interests, Article 573, paragraph 1-bis, of the Italian Code of Criminal Procedure restricts the criminal court's power to a preliminary admissibility review. In judgment No. 23414 of 24 June 2026, the Criminal Division of the Supreme Court of Cassation addresses the scenario where an appellate criminal court, instead of declaring the appeal inadmissible or transferring the case to the competent civil court, dismisses the appeal on the merits and affirms the acquittal. Tracing the link between Joint Chambers judgment No. 38481/2023 on the 30 December 2022 transitional threshold and case law on functional jurisdiction, this comment explains why a merits ruling triggers an absolute, incurable nullity detectable ex officio under Articles 178 and 179 of the Code, while probing its boundary cases and defence strategies.

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Appeal Solely on Civil Interests and Absolute Nullity Under Article 573 of the Criminal Procedure Code

Dismissal on the Merits on Appeal and Breach of Functional Jurisdiction Under Article 573, Paragraph 1-bis, of the Code of Criminal Procedure in Italian Supreme Court of Cassation, Criminal Division, Judgment no. 23414/2026

FS Federico Sciullo Criminal Law & Criminal Procedure 18 November 2026 Reading time 14 min

Current Legal Framework as of 18 November 2026: The Italian Supreme Court of Cassation, Criminal Division, in Judgment no. 23414/2026, sanctions with absolute nullity detectable ex officio any dismissal on the merits of an admissible civil appeal lodged in proceedings where the civil claimant joined after 30 December 2022.

ABSTRACT

In an **appeal solely on civil interests** lodged by the civil claimant, Article 573, paragraph 1-bis, of the Italian Code of Criminal Procedure restricts the criminal court's power to a preliminary admissibility review. In Judgment no. 23414 of 24 June 2026, the Italian Supreme Court of Cassation, Criminal Division, addresses the scenario where an appellate criminal court, instead of declaring the appeal inadmissible or transferring the case to the competent civil court, dismisses the appeal on the merits and affirms the acquittal. Tracing the link between **Joint Divisions (*Sezioni Unite*) Judgment no. 38481/2023** on the 30 December 2022 transitional threshold and case law on **functional jurisdiction**, this comment explains why a merits ruling triggers an **absolute, incurable nullity** detectable ex officio under Articles 178 and 179 of the Code, while probing its boundary cases and defence strategies.

Key Takeaways

- **Criminal Admissibility Filter:** Once an appeal solely on civil interests passes the preliminary admissibility check, the criminal court loses all adjudicatory power over the merits and must refer the case file to the civil court.
- **Temporal Threshold of the Reform:** The mandatory referral under Article 573, paragraph 1-bis, of the Code of Criminal Procedure applies solely to proceedings in which the civil claimant's joinder occurred after 30 December 2022.
- **Absolute Nullity for Lack of Functional Jurisdiction:** An appellate criminal judgment dismissing an admissible civil appeal on the merits breaches functional jurisdiction and constitutes an absolute nullity detectable ex officio.
- **Limits on Civil Transfer:** Even partial inadmissibility of the appeal bars transfer to the civil court, requiring the criminal court to dispose of the entire appeal.

CASE DOSSIER

JURISDICTION
Italy (Civil Law)

SUBJECT AREA
Criminal Law & Criminal Procedure

LEADING DECISION
Italian Supreme Court of Cassation, Criminal Division, Judgment no. 23414 of 24 June 2026 — Outcome: quashed without remand and r

Legal Principle / Editorial Headnote

In proceedings where the civil claimant joined after 30 December 2022, dismissing on the merits an appeal lodged solely on civil interests breaches the civil court's functional jurisdiction and generates absolute nullity.

COMPARATIVE & EUROPEAN LEGAL FRAMING

Institutional & EU Nexus: Under Italian criminal procedure, an injured party may join criminal proceedings as a civil claimant (*parte civile*) to seek tortious damages within the same trial, subject to the constitutional guarantee of the lawful judge (Article 25 of the Constitution) and reasonable duration (Article 111 of the Constitution; Article 6 ECHR). Following Legislative Decree no. 150/2022, Article 573, paragraph 1-bis, of the Code of Criminal Procedure reallocates appellate merits adjudication on civil claims to the civil branch once criminal liability is no longer contested. **Comparative Common Law Lens:** Unlike Anglo-American systems, where criminal prosecution and civil tort litigation remain structurally separate actions governed by distinct standards of proof, Italy's adhesive model (*azione civile nel processo penale*) requires strict statutory rules of functional jurisdiction (*competenza funzionale*) to prevent criminal appellate panels from encroaching upon civil adjudication.

01. INTRODUCTION: CRIMINAL CASSATION JUDGMENT NO. 23414/2026

The allocation of powers between the criminal court and the civil court safeguards the constitutional guarantee of the natural judge pre-established by law. In Judgment no. 23414 of 24 June 2026[1], the **Italian Supreme Court of Cassation, Criminal Division** clarifies what follows when an **appeal solely on civil interests** is decided on the merits in criminal proceedings. The ruling firmly sanctions any overstepping beyond the preliminary admissibility review. The defect impairs **non-derogable procedural safeguards** that lie entirely outside the parties' disposal.

After the 2022 reform, an appellate criminal court or the Supreme Court no longer adjudicates damages once the criminal action has come to an end. The amendment to Article 573, paragraph 1-bis, of the Code of Criminal Procedure pursues procedural efficiency at the appellate stage. Judicial practice, however, still displays resistance and overlapping applications. When a criminal panel retains the case and dismisses the appeal on the merits, it breaches the **functional jurisdiction** fixed by statute.

This comment traces the trajectory linking the temporal threshold set by Joint Divisions (*Sezioni Unite*) Judgment no. 38481/2023[2] to the 2026 finding of **absolute nullity**. It tests the logical soundness of equating functional jurisdiction with judicial capacity, bringing grey areas into sharp relief. Concrete defence implications will emerge, including the contrast between incurable nullities and defects subject to statutory forfeiture.

02. THE CASE AT ISSUE AND THE ARCHITECTURE OF ARTICLE 573, PARAGRAPH 1-BIS, CCP

2.1 — Procedural History Across Marsala, Palermo, and Legitimacy Review

The dispute resolved in Judgment no. 23414/2026[1] originated from criminal proceedings for **private violence** under Article 610 of the Criminal Code. By judgment of 3 November 2023, the Court of First Instance of Marsala acquitted Salvatore Bonomo of the charge brought to the detriment of Lucia Bonomo. The injured party had joined the proceedings as a civil claimant after **30 December 2022**. That chronological marker governs the entire appellate regime.

In the absence of any appeal on criminal liability, the civil claimant alone appealed to protect her compensatory claims. By judgment of 5 May 2025, the Court of Appeal of Palermo affirmed the first-instance acquittal. Rather than declaring the appeal inadmissible, the territorial panel expressly **dismissed it on the merits**. It thereby retained adjudication over the **civil determinations** instead of transmitting the file to the civil branch.

The civil claimant therefore petitioned the Supreme Court of Cassation, alleging a **breach of procedural law** in relation to Article 573, paragraph 1-bis, of the Code of Criminal Procedure. In written submissions of 21 January 2026, the Deputy Prosecutor General requested that the appeal be upheld. By a defence brief of 11 March 2026, counsel for the appellant pressed for annulment and sought an award of costs for the legitimacy proceedings.

Following the hearing of 12 March 2026, the Supreme Court upheld the appeal in reasons filed on 24 June 2026. The judgment orders the **annulment without remand** of the decision rendered by the Court of Appeal of Palermo. It further directs the **transmission of the case file** to the competent civil office of the same district appellate court. That court is also entrusted with deciding on the costs incurred by the civil claimant before the Supreme Court.

2.2 — Statutory Construction of Article 573, Paragraph 1-bis, CCP and Scope of Criminal Cognizance

Understanding the defect requires close scrutiny of Article 573 of the Code of Criminal Procedure, as amended by Legislative Decree no. 150 of 10 October 2022. Paragraph 1 preserves the general rule on procedural forms, providing that “An appeal on civil interests is lodged, heard, and decided under the ordinary forms of criminal procedure.”[2] Paragraph 2 confirms the enforceable autonomy of criminal rulings, specifying that “An appeal solely on civil interests does not stay the enforcement of the criminal provisions of the challenged decision.” Paragraph 1-bis is grafted onto this framework. It stipulates that “Where the judgment is appealed solely on civil interests” the appellate court and the Court of Cassation, “if the appeal is not inadmissible, refer the case for continuation” to the competent civil court or civil panel. That body, the provision concludes, “decides on the civil issues using the evidence gathered in the criminal proceedings and any evidence gathered in the civil proceedings.”

The statutory text thus draws a sharp **two-stage division** between formal screening and substantive adjudication. The criminal court is tasked solely with verifying the absence of **grounds of inadmissibility**, as held in Judgment no. 4902/2023[3]. Once this **formal scrutiny** is passed, **adjudicatory power** over damages shifts entirely to the civil forum. The alternative facing the criminal court therefore remains binary and strict: inadmissibility or **referral for continuation**. Dismissing the appeal on the merits violates both poles of the provision and raises the issue of the decision's **absolute nullity**.

Cognitive Division Under Article 573, Paragraph 1-bis, CCP

Under the post-Cartabia procedure, the criminal court's cognizance over an appeal lodged solely on civil grounds stops at the admissibility threshold. Every assessment regarding the merits of the damages claim and the weight of the evidence rests exclusively with the civil court competent for continuation.

03. THE INTERTEMPORAL TRAJECTORY AND REQUIREMENTS FOR REFERRAL TO THE CIVIL COURT

3.1 — The Watershed of Joint Divisions Judgment no. 38481/2023 and Unity of the Continued Proceedings

The **constitutional principle of legitimate expectations** regarding procedural stability governs the succession of procedural rules lacking transitional provisions. On that safeguard, Joint Divisions (*Sezioni Unite*) Judgment no. 38481/2023[2] built the temporal boundary of Article 573, paragraph 1-bis, of the Code of Criminal Procedure. Faced with the silence of Legislative Decree no. 150 of 2022, two opposing approaches had emerged: immediate application to pending appeals or anchoring to the date of the challenged judgment. The highest nomophylactic panel instead identified the **date of the civil claimant's joinder** as the decisive criterion. Referral to the civil court therefore operates for every appeal solely on civil interests where such joinder took place after 30 December 2022.

That choice honours the systematic link with Article 78, paragraph 1, letter d), of the Code of Criminal Procedure. Amended concurrently by the reform, that provision requires setting out the **grounds of the claim** for civil purposes from the very act of joinder. The injured party must therefore anticipate a civil outcome upon entering the criminal trial. In consistent application of this rule, Judgment no. 1150/2024[4] dismissed the appeal of a civil claimant who had joined on 5 June 2019. The chronological boundary thus protects the **procedural reliance** formed under the prior regime.

Three essential consequences for the continued proceedings flow from this unified design. First, transfer under Article 573, paragraph 1-bis, does not initiate an autonomous action, unlike a remand following a **quashing judgment** under Article 622 of the Code. Second, the receiving civil court is barred from conducting a **second admissibility review** under civil procedure standards, as the filter has already been exhausted in the criminal forum. Finally, the entire **criminal evidentiary record** remains intact and may be supplemented by evidence gathered in the civil continuation.

3.2 — Case Law Framework: Partial Inadmissibility and Mirror-Image Abnormality

Alongside the temporal threshold, case law has established a firm bar where **partial inadmissibility** arises. In Judgment no. 4902/2023[3], concerning a civil claimant's appeal in municipal false-accounting proceedings, the Court ruled out any **fragmented transfer** of the case. The appeal was in fact inadmissible with respect to certain time-barred counts and specific managerial positions. The panel clarified that transfer for **civil continuation** cannot cover isolated portions of an appeal. The **indivisibility of the subject matter** therefore requires retaining the entire proceedings before the criminal court.

On the opposite side lies the error of ordering referral when the **temporal requirement is lacking**. In Judgment no. 46179/2023[5], the Court annulled without remand a transfer order issued in proceedings where joinder preceded 30 December 2022. Although the notice alluded to criminal issues, the appeal concerned exclusively civil determinations. Yet the inapplicability of the reform meant the court lacked any power to divest itself of the case. The referral order thus constituted a **supervening structural abnormality**, as the court exercised a **power devoid of legal basis**.

Judgment / Authority	Stance	Principle in Brief
Italian Supreme Court of Cassation, Criminal Division, no. 23414/2026	Evolutive	Dismissing an admissible civil appeal on the merits (joinder post 30 December 2022) breaches functional jurisdiction and triggers absolute nullity detectable ex officio.
Italian Supreme Court of Cassation, Criminal Division, Joint Divisions (*Sezioni Unite*), no. 38481/2023	Aligned	Article 573, paragraph 1-bis, CCP applies solely to civil claimant joinders after 30 December 2022; the continued civil action is unified without a second filter.
Italian Supreme Court of Cassation, Criminal Division, no. 4902/2023	Divergent / Limit	Even partial inadmissibility of the appeal precludes referral to the civil court, owing to the indivisibility of the devolved subject matter.
Italian Supreme Court of Cassation, Criminal Division, no. 46179/2023	Mirror-Image	A civil transfer order issued in proceedings where the civil claimant joined before 30 December 2022 suffers from supervening structural abnormality.
Italian Supreme Court of Cassation, Criminal Division, no. 1150/2024	Aligned	Rules out referral to the civil court where the civil claimant joined in 2019, upholding the criminal court's adjudication on the merits.
Italian Supreme Court of Cassation, Criminal Division, no. 41589/2025	Systemic	Breach of functional jurisdiction in revision proceedings affects judicial capacity under Article 33 CCP and produces absolute nullity under Articles 178 and 179 CCP.
Italian Supreme Court of Cassation, Criminal Division, no. 18296/2020	Systemic	Correction of a clerical error ordered by the lower court after an appeal has been lodged breaches functional jurisdiction and constitutes absolute nullity.

3.3 — The Admissibility Review as a Condition Precedent to Referral

The framework outlined above clarifies the exact role of the filter entrusted to the criminal court. In Judgment no. 23414/2026[1], the Court separates the **admissibility ruling** from scrutiny of the compensatory merits. The appellate court may deny transfer to the civil forum only when it identifies a ground of inadmissibility. Any further assessment of the claim's substantive merit remains barred.

Dogmatically, that check operates as a **condition precedent** for transfer to the civil forum. The **verification of formal requirements** covers time limits, standing, interest to appeal, and specificity of grounds. Once this threshold is crossed, the criminal court loses any residual ***potestas iudicandi*** over the damages claim. Lack of substantive merit in the complaints cannot be converted into a final dismissal.

Precisely at this juncture, the Court of Appeal of Palermo erred in the Bonomo case. The territorial panel found no formal defects barring the civil appeal's entry. Instead, it examined the complaints on the merits and affirmed the first-instance acquittal. By doing so, it retained the **substitutive cognizance** reserved by Article 573, paragraph 1-bis, of the Code to the civil court.

The defence implication is clear-cut. Passing the admissibility filter, whether expressly or tacitly, strips the criminal panel of adjudicatory jurisdiction. For counsel representing the acquitted defendant, every objection to formal defects in the appeal must therefore be raised immediately before the criminal court. For the civil claimant, conversely, the absence of inadmissibility vests a **non-derogable procedural right** to civil continuation.

04. FUNCTIONAL JURISDICTION AND ABSOLUTE NULLITY IN JUDGMENT NO. 23414/2026

The constitutional guarantee of the lawful judge requires that criteria of jurisdictional allocation remain insulated from discretionary choices. On that premise, Judgment no. 23414/2026[1] grounds the procedural sanction in the breach of **functional jurisdiction**. Citing Judgment no. 46179/2023[5], the Court reiterates that the civil judge holds exclusive cognizance over an admissible appeal. Consequently, a Court of Appeal that dismisses the civil claimant's appeal on the merits issues an act devoid of power. The defect strikes at the very standing of the adjudicating body.

Classification among the gravest procedural invalidities flows directly from Articles 178, paragraph 1, letter a), and 179, paragraph 1, of the Code of Criminal Procedure. Article 178 indeed mandates: "Compliance with provisions concerning" is always prescribed on pain of nullity, first and foremost, "the conditions of capacity of the judge and the number of judges necessary to constitute panels as established by judicial organisation laws." In turn, Article 179 provides: "Nullities under Article 178, paragraph 1, letter a), are incurable and are detected ex officio at every stage and instance of the proceedings." Criminal case law includes **functional jurisdiction** within the **conditions of capacity of the judge** under Article 33 of the Code. The breach therefore generates an **incurable nullity**, detectable ex officio even before the Supreme Court.

> Once the admissibility threshold is crossed, the criminal court loses all adjudicatory power over civil claims: retaining the case to dismiss it on the merits turns procedural economy into incurable nullity.

This reasoning draws upon two significant precedents across distinct stages of criminal procedure. In Judgment no. 18296/2020[6], the Court sanctioned with absolute nullity the **correction of a clerical error** under Article 130 of the Code ordered by the lower court after an appeal had been lodged. Absent non-deferrable urgency, the pending appeal had shifted functional jurisdiction to the higher court. Similarly, Judgment no. 41589/2025[7] annulled without remand an inadmissibility ruling issued by the Assize Court of Appeal on a **revision request**. Article 633 of the Code indeed reserves such functional jurisdiction to the district Court of Appeal identified under Article 11.

Categorising the sanction also draws a crisp boundary against other procedural pathologies. On appeal, Article 604, paragraph 4, of the Code of Criminal Procedure governs prior defects. The provision states: "Where the appellate court finds one of the nullities indicated in Article 179, from which the nullity of the committal order or of the first-instance judgment has resulted, it declares it by judgment and remands the file to the court that was proceeding when the nullity occurred." Where the breach instead originates at second instance, the Supreme Court annuls without remand and transmits the file. A sharp contrast thus emerges with the **intermediate nullities** examined in this journal regarding preliminary interrogation and precautionary orders[D1]. Breaches of adversarial precautionary safeguards under Article 178, letter c), are subject to the **statutory forfeiture rules** of Article 182. Lack of functional jurisdiction, by contrast, remains detectable ex officio all the way to legitimacy review.

Procedural Feature	Dismissal on the Merits (Joinder Post 30 December 2022)	Referral to Civil Court (Joinder Pre 30 December 2022)
Nature of the Defect	Absolute nullity under Articles 178, paragraph 1, letter a), and 179, paragraph 1, CCP for breach of functional jurisdiction.	Supervening structural abnormality due to exercise of a power non-existent *ratione temporis*.
Detectability Regime	Incurable and detectable ex officio at every stage and instance, free from forfeiture under Article 182 CCP.	Detectable ex officio on legitimacy review through an appeal against an act lacking any other remedy.
Dispositive Remedy	Annulment without remand of the judgment and transmission of the file to the competent civil court for continuation.	Annulment without remand of the transfer order and return of the file to the appellate criminal court.

05. APPEAL SOLELY ON CIVIL INTERESTS: CRITICAL SCRUTINY, BOUNDARIES, AND DEFENCE STRATEGIES

5.1 — Dogmatic Soundness of the Major Premise and Grey Areas in Application

The strict solution adopted in Judgment no. 23414/2026[1] calls for testing its **major premise** against statutory safeguards. The ***ratio decidendi*** rests on equating lack of functional jurisdiction over civil merits with a breach of Article 178, paragraph 1, letter a), of the Code of Criminal Procedure. Passing remarks on internal court organisation remain secondary. One must therefore gauge the soundness of this syllogism against the statutory texts and cited precedents.

A first tension surfaces when comparing Article 573, paragraph 1-bis, with the two rulings invoked by the Court. In Judgment no. 41589/2025[7], a wholly distinct judicial body had adjudicated—namely, the Assize Court of Appeal instead of the Court of Appeal designated under Article 11. In Judgment no. 18296/2020[6], the first-instance judge had amended an order already devolved to legitimacy review. Here, by contrast, transfer operates between the criminal branch and the civil branch of the same appellate court. The Court assimilates that allocation to the **capacity of the judge** without demarcating it from internal docket distribution.

The choice of absolute nullity nonetheless retains remedial coherence when set beside Judgment no. 46179/2023[5]. Against an unappealable transfer order issued outside the temporal threshold, only the residual category of **structural abnormality** can intervene. A judgment dismissing the civil appeal on the merits is, instead, an adjudicatory ruling subject to ordinary appeal. Where a statutory remedy exists, the impairment of **adjudicatory power** naturally channels into nullity under Article 179 of the Code.

Two **grey areas in application** nevertheless remain unaddressed in the Court's reasons. The first concerns a civil appeal structured across multiple autonomous counts or against several defendants that suffers only partially from lack of specificity. The rigid rule in Judgment no. 4902/2023[3] bars transfer even upon **partial inadmissibility**. Retaining the

entire case before the criminal court due to a defect confined to one severable count risks compressing the reform's streamlining purpose.

The second boundary issue involves concurrence between the civil claimant's appeal and a criminal appeal by the defendant or public prosecutor later declared inadmissible. So long as the criminal appeal stands, ordinary attraction under Article 573, paragraph 1, applies. Once the criminal appeal falls for original inadmissibility, however, only the civil action remains. In this writer's view, at that juncture the criminal court must transmit the file to the civil forum, failing which a merits dismissal incurs the same **incurable nullity**.

5.2 — Guiding the Defence Between Inadmissibility, Objections, and Civil Continuation

Defence counsel must first verify the **date of joinder** of the civil claimant: if prior to 30 December 2022, the criminal court adjudicates. If joinder occurred thereafter, any **inadmissibility objection** must be raised before referral, while a merits dismissal triggers appealable absolute nullity.

The scope of this rule demands precise **distinguishing** from scenarios excluded from the procedural sanction. Nullity does not arise where joinder preceded 30 December 2022, as settled by Joint Divisions (*Sezioni Unite*) Judgment no. 38481/2023[2] and confirmed by Judgment no. 1150/2024[4]. It is likewise excluded when an admissible criminal appeal is pending or when the civil appeal itself is declared inadmissible. For counsel to the civil claimant, it is therefore essential to state the compensatory grounds already in the joinder notice under Article 78, paragraph 1, letter d), and ensure the **full admissibility** of all grounds of appeal. Against an appellate dismissal on the merits, an appeal to the Supreme Court may plead absolute nullity and attach the schedule of costs for liquidation by the receiving civil court.

The strategy for counsel representing the defendant acquitted at first instance differs markedly. Because the civil forum relies on the evidence gathered in the criminal trial alongside any further civil evidence, referral can reopen the evidentiary contest. It is therefore advisable to lodge timely **procedural objections** of lateness or lack of specificity before the criminal court to secure an inadmissibility ruling, even a partial one. Conversely, a merits dismissal obtained on appeal after post-30 December 2022 joinders lacks finality. Such an outcome remains exposed to **ex officio detection** of absolute nullity until *res judicata*.

Verification Criteria for Defence Counsel on Civil Appeals

Defence strategy hinges on three sequential steps: verifying the civil claimant's joinder date against 30 December 2022, raising inadmissibility grounds immediately before the criminal court, and policing functional jurisdiction against any merits ruling rendered in the criminal forum.

06. CONCLUSIONS

Judgment no. 23414/2026[1] completes the architecture initiated by Joint Divisions (*Sezioni Unite*) Judgment no. 38481/2023[2] on the remedies available after the Cartabia reform. In an **appeal solely on civil interests**, the criminal court exercises a review strictly confined to admissibility. Where joinder occurred after 30 December 2022 and the appeal clears that filter, any dismissal on the merits violates the statutory order of jurisdiction. Declaring **absolute nullity** prevents internal court practices from eroding the guarantee of the **natural judge**.

Although boundary questions persist regarding partial inadmissibility and concurrence with failed criminal appeals, this line of authority brings procedural certainty. The distinction between **incurable nullities** under Article 179 of the Code and intermediate invalidities strengthens the systematic coherence of procedural safeguards. Compliance with **statutory rules of jurisdictional allocation** thus stands confirmed as an indispensable condition for a valid judgment.

References & Authorities Cited

Statutory Provisions

- Italian Code of Criminal Procedure, Articles 33, 78, 130, 178, 179, 541, 568, 573, 576, 601, 604, 622, and 633 — regulation of judicial capacity, procedural nullities, civil claimant joinder, and appeals solely on civil interests.
- Legislative Decree no. 150 of 10 October 2022, Articles 5, 33, and 99-bis — implementation of the criminal procedure reform governing civil claimant joinder and referral to the civil court.
- Constitution of the Italian Republic, Articles 3, 25, and 111 — principles of reasonableness, natural judge pre-established by law, and due process.

Case Law Cited

1. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 23414 of 24 June 2026** — Outcome: quashed without remand and referred to the competent civil court at the Court of Appeal of Palermo. Para.: § 3.
2. **Italian Supreme Court of Cassation, Criminal Division, Joint Divisions (*Sezioni Unite*), Judgment no. 38481 of 21 September 2023** — Establishes the intertemporal threshold of Article 573, paragraph 1-bis, CCP at civil claimant joinders after 30 December 2022 and affirms the unity of the continued proceedings without a second admissibility filter. Outcome: annulled without remand as to costs compensation. Para.: Grounds of the Decision.
3. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 4902 of 3 February 2023** — Holds that even partial inadmissibility of the appeal precludes referral for continuation before the civil court under Article 573, paragraph 1-bis, CCP. Outcome: quashed and remanded in part on civil effects, declared inadmissible in the remainder. Para.: Grounds of the Decision.
4. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 1150 of 10 January 2024** — Confirms the inapplicability of Article 573, paragraph 1-bis, CCP to proceedings where the civil claimant joined prior to 30 December 2022. Outcome: dismissed. Para.: Grounds of the Decision.

5. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 46179 of 16 November 2023** — Characterises a civil referral order issued in proceedings with pre-30 December 2022 joinder as vitiated by supervening structural abnormality. Outcome: annulled without remand and referred to the Court of Appeal of Reggio Calabria. Para.: Grounds of the Decision.

6. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 18296 of 16 June 2020** — Classifies clerical error correction ordered by the lower court after an appeal has been lodged as absolute nullity for lack of functional jurisdiction. Outcome: annulled without remand in part, declared inadmissible in the remainder. Para.: Grounds of the Decision.

7. **Italian Supreme Court of Cassation, Criminal Division, Judgment no. 41589 of 29 December 2025** — Reiterates that breaching functional jurisdiction in revision proceedings affects judicial capacity under Article 33 CCP and triggers absolute nullity detectable ex officio under Articles 178 and 179, paragraph 1, CCP. Outcome: annulled without remand and referred to the Court of Appeal of Lecce. Para.: Grounds of the Decision.

Legal Scholarship Cited

D1. Metodo Giuridico, *Interrogatorio preventivo e ordinanza cautelare per la Cassazione* [Preliminary Interrogation and Precautionary Orders Before the Court of Cassation]. Analysis of intermediate nullities under Article 178, paragraph 1, letter c), CCP and statutory forfeiture rules under Article 182 CCP in precautionary appeals.

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