

Constitutional Court Ruling No. 14/2564 (2021)

Narathiwat Provincial Court

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Applicant

Respondent

Constitution, section 26 and section 27;
Penal Code, section 95 paragraph one.

Section 95 paragraph one of the Penal Code, only with respect to the provision “in a criminal case, if no prosecution is filed and the offender is not brought to court within the following time limits as from the date of commission of offence, the limitation period shall expire,” was a provision on the limitation period for criminal cases. The purpose of this provision was to bring evidence for proof of facts while not allowing time to lapse to the point where evidence was deteriorated or lost hindering the ability to prove the guilt or innocence of a defendant. The condition that the offender had to be brought to court within the specified time was to ensure that a criminal trial was conducted in the presence of the defendant so as to maintain a balance between crime control, preservation of public order and protection of rights and liberties of the people. Regardless of whether the case was brought by a public prosecutor or a citizen, the case also had to be filed and the offender had to be brought to court within the time stipulated by law as from the date of offence. As a result, a criminal case filed by a citizen did not have a shorter limitation period than a case filed by a public prosecutor. Even though in a case where a citizen initiated a prosecution, the court had to conduct a preliminary examination of the suit, such provision was not contrary to the rule of law, did not impose an excessive burden or restriction on a right or liberty of a person, and did not prejudice human dignity. Also, the law was generally applicable and was not directed to any particular case or person and was not unfairly discriminatory on a person. Thus, the provision was neither contrary to nor inconsistent with section 26 and section 27 of the Constitution.