

**Constitutional Court Ruling No. 16/2563 (2020)**

Bangkok South Kwaeng Court	Applicant
-	Respondent

Constitution, section 3 paragraph two, section 4 and section 29 paragraph two;  
Criminal Procedure Code, section 226/3, section 227 and section 227/1.

Section 226/3 of the Criminal Procedure Code prohibited a court from admitting hearsay evidence. Such prohibition, however, was not strict. The court had the discretion to admit hearsay evidence under the exceptions in section 226/3 paragraph two. The relevant parties also had the right to object to the admissibility of such evidence. In order to protect the rights of a defendant in criminal proceedings, section 227/1 provided that a court could admit hearsay evidence with caution, and section 227 provided that, if there was doubt on whether or not a defendant had committed an offence, benefit of doubt should be given to the defendant. The provisions in these three sections therefore enshrined the principle of admissibility and weighing of evidence in criminal proceedings in uniform fashion for the benefit of fact-finding processes. This principle was in accordance with the rule of law, applied equally to all parties. These safeguards gave parties the ability to fully contest in a trial. There was no discrimination against a person and no violation of human dignity, rights, liberties and equality of persons. These sections were also not provisions on presumption of guilt of a suspect or defendant prior to a final judgment convicting such person for a wrongdoing. The provisions were therefore neither contrary to nor inconsistent with section 3 paragraph two, section 4 and section 29 paragraph two of the Constitution.