

Constitutional Court Ruling No. 12/2562 (2019)

President of the	Applicant
House of Representatives	
Mr. Navat Toh Charoensuk	Respondent
Member of the House of Representatives	

Constitution, section 98(6) and section 101(6).

Section 98(6) of the Constitution prohibited a person sentenced by the court to imprisonment and a person detained by court warrant from exercising the right to stand for an election of Members of the House of Representatives. Section 101(6) provided that the membership of a Member of the House of Representatives terminated if there was a prohibited characteristic under section 98. It was found on the facts that the Khon Kaen Provincial Court delivered a sentence of death penalty on the respondent, being a heavier sentence than imprisonment, and The Court of Appeals, Region IV denied leave for provisional release pending appeal. Thus, the Khon Kaen Provincial Court issued a warrant to imprison the respondent pending appeal. Since section 98(6) of the Constitution did not use the term “final”, the respondent’s membership of the House of Representatives therefore terminated as from the day that the Constitutional Court ordered the respondent to cease performing duties pursuant to section 82 paragraph two of the Constitution, namely 16th October B.E. 2562 (2019), without awaiting the case to become final.