

Constitutional Court Ruling No. 24/2564 (2021)

President of the House of Representatives	Applicant
Mr. Sira Jenjaka, Member of the House of Representatives	Respondent

Constitution, section 98(10), section 101(6), section 102 and section 105 paragraph one (1); Organic Act on Procedures of the Constitutional Court, B.E. 2561 (2018), section 76 paragraph one.

Section 101(6) in conjunction with section 98(10) of the Constitution provided a prohibition against a person who had previously been subject to a final judgment of a conviction for an offence relating to property committed in bad faith pursuant to the Penal Code from exercising the right to apply for candidacy in an election of Members of the House of Representatives. Upon a finding of fact that the respondent had previously been subject to a judgment of the Pathumwan Kwaeng Court convicting him for the offence of fraud under section 341 of the Penal Code, being an offence relating to property committed dishonestly pursuant to the Penal Code, and such judgment was already final, the respondent was therefore a person who was prohibited from exercising the right to stand for election of Members of the House of Representatives. Therefore, the respondent's membership of a member of the House of Representatives terminated under section 101(6) in conjunction with section 98(10) of the Constitution as from the date of election of Members of the House of Representatives, and it was deemed that the date of Constitutional Court due reading of the ruling to the parties pursuant to section 76 paragraph one of the Organic Act on Procedures of the Constitutional Court, B.E. 2561 (2018), which provided that a ruling of Court came into effect on the date of reading, was the date which the office of the Member of the House of Representatives elected from the constituency became vacant under section 105 paragraph one (1) in conjunction with section 102 of the Constitution.