

Constitutional Court Ruling No. 9/2565 (2022)

Court of Appeal

Applicant

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Respondent

Constitution, section 29;

Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act, B.E. 2544 (2001), section 20 paragraph one (2).

Section 20 paragraph one (2) of the Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act, B.E. 2544 (2001), provided that a defendant who was entitled to receive compensations and expenses under this Act must be taken into custody during trial. The provision was intended to remedy losses suffered by a defendant who was innocent and was not provisionally released, and suffered a loss of freedom due to the custody. The provision was consistent with the presumption that a suspect or defendant was not considered to have committed an offence until proven in court. The provision was not intended for the defendant to surrender the right of provisional release or custody. Hence, the provision did not impose a disproportionate burden and did not restrict the right of due process. The provision was therefore neither contrary to nor inconsistent with section 29 of the Constitution.