

ABSTRACT

Thesis Title : Development in Interrogation of Witness : Written Evidence

Student's Name : Mr. Wet Pattanachiwongkoon

Degree Sought : Master of Laws

Academic Year : 2001

Advisory Committee :

1. Mr. Pornpet Vichitchonchi Chairperson
2. Dept. Pros. Suksanai Sutibordee

Examining witnesses by the Civil Procedure Process Code of Thailand has the type of examining witnesses that formed by section 113 which witness will be give evidence by oral and do not read the message unless allowed by a court of law or expert witness. In witness's testifying must be perform by section 117 that witness must to reply the litigant's query or attorney who referred to witness then cross-examine by opposite parties. After cross-examining the witness must to reply the attorney who referred to witness and litigant's reexamine. Such as this way and examining witnesses processing cause a trouble in usage time to examining witnesses in many times. Cause a long time to adjudication by court and waste time and spent a lot of money by other people who are witness. Beside these reasons, case adjournment or constraint in examining witnesses method by the Civil and Commercial Code has provided is also lately in proceeding. So improvement in examining witnesses indoctrination by including the constraint about the litigant's chancing to precede record the witness's plea to a court, it may reduce the usage time to cross-examine. Just only to reply cross-examining and reexamine that will use a few time to examining witness in court cause a case that prosecute had finished in a short time.

Other people will be get a facility and saving in any journey. This basis had occurred in other countries as well.

This thesis studied in type of precede record the witness's plea to court in England, Singapore, America, and France. These countries' laws are inquiry system and allegation system that approach to Thai's law. By studying found that disputing parties present the preceding record to a court has both a good reason and defect. The good reason is appropriation with examining witnesses system of civil case in Thailand that facility, rapidly, fairness, and safe expense. The important defect is falseness, but not have affection to examining witnesses due to the Criminal Code of Thailand provided to a false evidence punishment about adducing or basis manifestation in false. As regards in preceding recording the witness's plea to the court method by studying found that befittingly to other parties made a petition with copy of preceding recording the witness's plea present to the court and another parties before examining date. By giving disputing parties a chance to choice witness whom fitting to record unless allowed by the court only. And to prevent a changing in preceding recording later and cannot revoke. Then must to take that witness to take an oath and give testimony to certify these records. Otherwise these records may be fail by court. Besides having to include the provision of a law about preceding recording form should what description in order to the record perfectly and clearly.