

## C270051 : MAJOR LAW  
KEY WORD: : CRIMINAL PROSECUTION / INJURED PARTY / PROSECUTOR'S ORDER TO  
DROP CHARGE

ARAYA KASEMSAP : INJURED PERSON'S CHARGE OF CRIMINAL CASE : A STUDY  
ON WHICH THE PUBLIC PROSECUTOR ORDERS NOT TO CHARGE. THESIS ADVISOR  
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In the past, most countries adhered to the principle of criminal prosecution by and on behalf of the victim. The victim had the right and duty to demand justice from the offender. However, the principle of criminal prosecution has since been changed so that such criminal prosecution is the sole responsibility of the States duly appointed authorities. The injured party no longer has the right to prosecute a criminal case on his own authority.

In Thailand, a criminal proceeding can only be undertaken by the Public Prosecutor, however, at the same time the injured party also has the right to file a criminal case. From a study it was found that the laws allow the injured party to prosecute on his own even though the Public Prosecutor has decided against prosecution. This has affected the criminal procedures of the State and also affects the rights of a criminal suspect. For example, the suspect could be charged twice with the same offense which is against the principle of protection against double jeopardy. Present law is well conceived to guide the decision of a Public Prosecutor to drop charges when the said charges are not supported by evidence gathered from witness(es) during the investigation stage. However, should there be new evidence brought forward. The case can be re-opened and re-investigated. The right of the injured party to file a criminal case even though the Public Prosecutor has dropped charges creates a double-jeopardy situation in the proceedings of Justice. The author therefore suggests that changes be made in the law and regulations concerning the proceedings of criminal case. This change should remove the right of the injured party to file a criminal case where such charges have been previously dropped by the office of the Public Prosecutor. This will eliminate the problem of potential double-jeopardy.