

KRISSANA ANUCHON : THE PRELIMINARY EXAMINATION IN CASE OF PRIVATE PROSECUTION. THESIS ADVISOR : DR. CHIRANIT HAVANOND, ASSO. PROF. PAITON KONGSOMBOON, 249 pp. ISBN. 974-579-036-2

A preliminary examination is a procedure to initially review a case by the court. After the plaintiff has submitted its charge and before the case is accepted by the court, the court has to consider whether the plaintiff has sufficient evidence to show a prima facie case, both on points of fact and on points of law, before the court will accept the case for a further hearing.

The purpose of the preliminary examination in case of private prosecution is to provide protection for rights and freedom of citizens, especially the defendant who is charged, in order to ensure that he will not be prosecuted and become defendant in a criminal case without sufficient evidence and to prevent the case from reaching the court unnecessarily. Hence, the court which conducts preliminary examination has a different function from the court which tries the case, i.e. its function is quasi-inquisitorial and quasi-trial. The court is not limited to the evidence produced by the plaintiff and it shall not regard the preliminary examination a matter between only the court and the plaintiff. This allows the court to have a role in providing protection for rights and freedom of citizens, especially in Thai criminal procedure which has given wide power to a private citizen to institute a criminal action.

According to Thai laws, preliminary examination may take place in two cases, i.e. there may be a preliminary examination in case of public prosecutor and also a preliminary examination in case of private prosecution. This thesis will limit its scope of study to preliminary examination in case of private prosecution.

This thesis has explained legal principles, and its conclusion contains recommendations to improve the efficiency of preliminary examination in case of private prosecution.