

Abstract

In Thailand's criminal proceedings, Court must hearing admit evidence by the adduction of evidence from the litigant. After that for weigh evidence along the criminal procedure code article 227, has provide the court a discretion diagnosis weigh evidence. Nevertheless court will not judge all convict until there is assure that the criminal offence is actual found and the accused is offend.

When a reasonable doubt has occurred, whether the accused has offend, it should raise the benefit of the doubt to the accused.

In any case, certain of the weigh evidence is found less reliable that could cause the court believe by mistake or incline to prejudice different from the truth such as Hearsay Evidence, Implicate Evidence or any party of the litigant whom has no opportunity to cross- examine or confute etc. For all these evidences, In this case if there are not excluded , it will be admissible evidence and the court must take criticize for diagnosis question of fact. The court must act with caution without error point which could allow an innocent to be punished in criminal. Thereby, the criminal procedure code article 227/1 which recently added in the year 2008 has conducted rule of practice concerning weigh evidence in the same originally judicial precedent, which shown in the main objective belows;

1. For setting guideline discretion in the way of weigh evidence in the court. This is formation in the Supreme Court to ordain for ensure to the general partner and litigant can be verified in objective.

2. To weigh evidence of unexpectedly other defects cause for example, in the case of weak point witness in terms of relative with the accused. The scientific evidence could be contamination etc. In foreign country it might include illegally obtained evidence or Evidence from an illegal search.

3. To setting clearly about the stage of listening to the evidence witness. It may cause the court judge not adjustable way. It should let the court considerate in the appropriate way.

However the statement in the criminal procedure code article 227/1 is not the new principle of law, it is the way which Thailand's court practicing for analyze the evidence witness and state in the ordain. This the basically principle to estimate this kind of the evidence witness as in the code of law is disclose for the people can make their own decision. For my opinion it should be explained clearly by word defined in the criminal procedure code article 227/1 for any law user would learn how to practise law in the correct way.