

THESIS TITLE	REVIEWING ON THE PROSECUTORIAL DISCRETION IN A NON-PROSECUTION ORDER UNDER THE CRIMINAL PROCEDURE CODE, ARTICLE 145/1
KEYWORD	REVIEWING OF THE PROSECUTORIAL DISCRETION / NON-PROSECUTION ORDER
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YEAR	2017

ABSTRACT

An amendment to Criminal Procedure Code, Section 145/1 by the Announcement of the National Council for Peace and Order (NCPO) No. 115/2557 has not efficiently ensured the check and balance in relation to the public prosecutor's issue of non-prosecution order in Thailand. The public prosecutor's discretion to issue the non-prosecution order of a case shall be verified by the Commissioner-General or the Deputy Commissioner-General who is supervisor in the same government agency of the inquiry official inquiring the case. Such verification of the public prosecutor's discretion to issue the non-prosecution order would not be done by an external authority in order to bring about optimum efficiency of the verification. In case an amendment is done to have the court had power and duties, instead, to verify the public prosecutor's issue of the non-prosecution order, it can ensure optimum efficiency of the check and balance by verification of the public prosecutor's issue of the non-prosecution order in Thailand because the court is an external authority other than the police authority having power and duties to inquire the criminal

case and other than the public prosecutor authority to issue the non-prosecution order in the criminal case as well as the court's qualification is not inferior to the public prosecutor having issue of the non-prosecution order.

In addition, an amendment to Criminal Procedure Code, Section 145/1 does not include a specific timeframe of such verification of the public prosecutor's issue of the non-prosecution order in order to know how long the verification authority must complete and have its opinion in the criminal justice process. Lack of timeframe, otherwise, will cause delay in verification of the public prosecutor's issue of the non-prosecution order and harmful effect in providing assurance of Thailand's criminal justice. Accordingly, an amendment containing a certain and definite timeframe should be made to expedite consideration and making opinion of the verification authority to the verification of the public prosecutor's issue of the non-prosecution order in due time and without delay in the process.