



[Initial Appearance 22 Oct 18]
[Rights information 14 Aug 18]

Indictment
[Certified Copy]

Black case No. Criminal 6246/2561

Min Buri Provincial Court
1 August 2018
Criminal case

Between {	Public Prosecutor of the Office of the Attorney General (The Special Public Prosecutor's Office, Criminal Case Department 12, Criminal Case Office)	Plaintiff
	Mr. Samak Donnapee and his accomplice in total 2 persons	Defendants

Charge: Jointly defame other by publishing a libel

For which the inquisitor of Khan Na Yao police station has investigated

As a Public Prosecutor of the Office of the Attorney General
Plaintiff

Indict (1) Mr. Samak Donnapee (63 years old) Occupation: freelancer

(2) Mr. Wut Boonlert (63 years old) Occupation: freelancer Defendants

Address: No.	(1) 277 Moo 3	(2) 189 Moo 1
Alley:	-	-
Close to	-	-
Sub-District:	(1) Pra Dang	(2) Suan Phung
District:	(1) Wang Chao	(2) Suan Phung
Province:	(1) Tak	(2) Ratchaburi
Ethnicity:	(1-2) Thai	
Nationality:	(1-2) Thai	

The details are as follows:

Section 1. The two Defendants herein, together or separately, committed multiple counts of the same crime as listed below.

1.1 On 22 August 2016, during the daytime and continuing into the night-time, the exact time is not known, the first Defendant defamed Mr. Chaiwat Limlikhit-aksorn, the Victim, by posted a statement into the computer system via Facebook using a Facebook account named Mr. Samak Donnapee which could be accessed and read by others. The statement reads “concerning the head of *Phraya Seam* squad, the owner of *Chai Rajapruk* ranch who have in his possession a land which encroaching into the national forest reserve in accordance with the *Sor Tor Kor* (Land utilising right) scheme about a few hundred *Rai*”. The phrase the head of *Phraya Seam* squad is referring to the Victim who holds the position of the head of *Phraya Sua* squad under the Department of National Parks, Wildlife and Plant Conservation. This led a third person or others to misunderstand that the Victim encroached the national forest reserve. That he is an officer of the Department of National Parks, but he himself a wrong doer. The post was published in a manner likely to impair the Victim’s reputation or place the Victim in contempt or hatred by others. (the details could be found in annex 1)

1.2 From 27 August 2016 to 28 August 2016, during the daytime and continuing into the night-time, the exact date and time are not known, the first Defendant gave an interview to Manager Online Magazine, following the crime mentioned in 1.1, that “ a 100 *Rai* ranch in Phetchaburi province is located in a national forest reserve. An investigation has not gone for. The land encroached is turned into a resort[”]. The first Defendant also posted into the computer system via a Facebook account named Mr. Samak Donnapee, which is accessible to others, that “Rajapruk Ranch is located in a national forest reserve having an area of 100 *Rai* ... about 73 *Rai* of the ranch has Mr. Pairote Limlikhit-aksorn as a possessor. The land shall be reclaimed by the Royal Forest Department but the reclamation is neglected”. The statement means that the Victim himself encroached the land located in the national forest reserve by letting his brother possessing the land for him. The statement was published in a manner likely to impair the Victim’s reputation or place the Victim in contempt or hatred by others. (the details could be found in annex 2)

1.3 On 28 August 2016, during the daytime and continuing into the night-time, the exact time is not known, both the Defendants defamed the Victim by publishing a libel. The first Defendant posted into the computer system via a Facebook account named Mr. Samak Donnapee, which is accessible to others, following the crime mentioned in 1.1 and 1.2, and the second Defendant shared the statement posted by the first Defendant via his own Facebook account named Wut Boonlert. The statement that both Defendants published reads[:]

“The Chai Rajapruk Ranch is located [partly] in a national forest reserve area and [partly] in the area possessed in accordance with the resolution of the cabinet dated 30 June 1998, 100 *Rai* in total. An investigation following a complaint put forth by the Royal Forest Department has been going on since 2008 until now. Recently, on 24 June 2016, the director of the Royal Forest Department (Mr. Chonlatit Surassawadi) issued a report [concerning] Chai Rajapruk ranch, an area of 100 *Rai*, located in a national forest reserve... and locate in the area under the survey conducted in accordance with the resolution of the cabinet dated 30 June 1998, about 73 *Rai* has

Mr. Pairote Limlikhit-aksorn as its possessor. The [rest] of the land shall be reclaimed, but the director of the Royal Forest Department has been neglecting the reclamation”.

Which could be understood by others that the Victim who was the leader of the special squad called *Phraya Sua* himself encroaches and possesses a plot of land in a national forest reserve area and built on that land a resort named *Chai Rajapruk* ranch by having his brother holding the right on possession on his behalf. The statement was published in a manner likely to impair the Victim’s reputation or place the Victim in contempt or hatred by others. (the details could be found in annex 3)

1.4 On 22 September 2016, during the daytime, the first Defendant posted a statement into the computer system via Facebook using a Facebook account named Mr. Samak Donnapee. The post contains pictures of an official document issued by *Kaeng Krachan* Police Station regarding the police’s decision to present the results of the investigation to the prosecutor and the statement reads as follows: “these are photos of the document issued by *Kaeng Krachan* Police Station regarding the police’s decision to present the results of the investigation to the prosecutor in a case concerning guns (magazines and bullets) something like that. Don’t say that the bullets were belong to the state because the model [of the bullets] confiscated, they said, were not the type procured by the state. Read it and decide for yourselves who is the good or the bad guy.” The statement could be understood by others that Mr. Chaiwat Limlikhit-aksorn, the Victim, was the wrongdoer who illegally possessed guns and bullets and that he is a bad person. The statement was published in a manner likely to impair the Victim’s reputation or place the Victim in contempt or hatred by others. (the details could be found in annex 4)

The acts described in 1.1 - 1.4 above were committed at Maxvalue Supermarket located in Bang Chan Sub-district, Khlong Sam Wa District, Bangkok and everywhere else in the Kingdom of Thailand.

Section 2. On 4 June 2017, the first Defendant met the Inquisitor, and on 5 June 2017, the second Defendant met the Inquisitor. The Inquisitor have investigated both Defendants.

Both Defendants pleaded innocent during the pre-trial investigation.

Both Defendants were not detained during the investigation. Both Defendants were brought to the Court with this indictment.

The Victim filed a complaint [to the police] requesting that both Defendants be prosecuted within the time prescribed by the statute of limitation. The complaint was filed at Khan Na Yao police station. The Victim first learned of the acts of the Defendants within the jurisdiction of the police station and has only filed the complaint at the police station.

Mr. Chaiwat Limlikhit-aksorn, the Victim, resides in No. 144, Moo 6, Nhong Jok Sub-District, Tha Yang District, Phetchaburi Province, tel. 089-922-2950.

Miss Worawarun Sarutathanachot, attorney-in-fact, resides in No. 59/46. Moo 1, Sam Phraya Sub-District, Cha-Am District, Phetchaburi Province, tel. 089-915-2619.

Requests of the prosecutor

The acts that the Defendant[s] have been alleged to have committed are, in my opinion, violating the following laws [:]

Section 83, 91, 328 of the Criminal Code; section 4 of the Criminal Code Amendment Act (No. 6) 1983; and section 15 of the Criminal Code Amendment Act (No. 26) 2017.

May the court sentence the Defendants in accordance with the laws.

I attached hereby two copies of the indictment which is accurate and contain the same content as the original and awaiting to hear your order. If I am not waiting to hear your order, it shall be considered that I have been properly informed of the order.

.....Plaintiff
(Mr. Surachai Woranetipho)

This indictment has been collated by Mr. Thiti Koomrak, public prosecutor, Office of the Attorney General.

.....Collator

This indictment has been written or typed by Miss Nunthaporn Pusakul, administrative staff

.....Writer or Typist

