

11. 最高法院刑事上訴案件終結情形—按罪名別分(續二)
11. State of Criminal Appeals Cases Terminated by Supreme Court – by Crime Type (Cont. 2)

中華民國 110 年 (2021)

單位：件 (Unit: case)

罪名別 Crime type	合計 Total	駁回上訴 Appeals dismissed				撤銷原判 Revocation of previous judgment				撤回 With- drawn	其他 Other
		不合法 Improform		無理由 Groundless		發回更審 Referred back to previous court for new trial		自為判決 Supreme Court itself renders a judgment			
		全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part		
褻瀆祀典及侵害墳墓屍體罪 Offenses against religion, graves, and corpses	-	-	-	-	-	-	-	-	-	-	-
妨害農工商罪 Offenses against agriculture, industry & commerce	1	1	-	-	-	-	-	-	-	-	-
賭博罪 Offenses of gambling	4	3	-	-	-	1	-	-	-	-	-
單純賭博 Simple gambling	-	-	-	-	-	-	-	-	-	-	-
供給賭博場所等賭博 Gamble of providing gambling places and the like	4	3	-	-	-	1	-	-	-	-	-
殺人罪 Offenses of homicide	182	153	1.0	2	-	22	1.0	1	-	1	1
殺人 Homicide	129	110	0.5	-	-	15	0.5	1	-	1	1
既遂 Consummation	62	49	-	-	-	12	-	1	-	-	-
普通殺人 General homicide	57	44	-	-	-	12	-	1	-	-	-
殺害直系尊親屬 Homicide of lineal ascendants by blood	5	5	-	-	-	-	-	-	-	-	-
未遂 Attempt	67	61	0.5	-	-	3	0.5	-	-	1	1
普通殺人 General homicide	67	61	0.5	-	-	3	0.5	-	-	1	1
殺害直系尊親屬 Homicide of lineal ascendants by blood	-	-	-	-	-	-	-	-	-	-	-
過失致死 Manslaughter	53	43	0.5	2	-	7	0.5	-	-	-	-
醫療過失致人於死 Negligent killing by a physician	-	-	-	-	-	-	-	-	-	-	-
交通過失致人於死 Negligent killing by a driver	40	35	-	1	-	4	-	-	-	-	-
其他過失致人於死 Other negligent killing	13	8	0.5	1	-	3	0.5	-	-	-	-

11. 最高法院刑事上訴案件終結情形—按罪名別分(續四)
11. State of Criminal Appeals Cases Terminated by Supreme Court – by Crime Type (Cont. 4)

中華民國 110 年 (2021)

單位：件 (Unit: case)

罪名別 Crime type	合計 Total	駁回上訴 Appeals dismissed				撤銷原判 Revocation of previous judgment				撤回 With- drawn	其他 Other
		不合法 Improform		無理由 Groundless		發回更審 Referred back to previous court for new trial		自為判決 Supreme Court itself renders a judgment			
		全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part		
妨害名譽及信用罪 Offenses against personal reputation & credits	13	7	0.5	1	-	4	0.5	-	-	-	-
妨害秘密罪 Offenses relating to protection of secrets	1	1	-	-	-	-	-	-	-	-	-
竊盜罪 Offenses of larceny	24	22	-	-	-	2	-	-	-	-	-
普通竊盜竊占 Common theft and theft of movables or immovables	14	12	-	-	-	2	-	-	-	-	-
加重竊盜 Severe theft	10	10	-	-	-	-	-	-	-	-	-
常業竊盜 Occupational theft	-	-	-	-	-	-	-	-	-	-	-
強盜罪 Offenses of robbery	118	108	2.5	-	-	4	2.5	-	-	1	-
搶奪及海盜罪 Offenses of snatch of property and piracy	5	5	-	-	-	-	-	-	-	-	-
侵占罪 Offenses of misappropriation	20	13	1.5	-	-	3	1.5	-	-	1	-
普通侵占 Common embezzlement	5	4	0.5	-	-	-	0.5	-	-	-	-
公務公益侵占 Official embezzlement	1	-	-	-	-	1	-	-	-	-	-
業務侵占 Occupational embezzlement	12	7	1.0	-	-	2	1.0	-	-	1	-
侵占遺失物 Embezzlement of lost articles	2	2	-	-	-	-	-	-	-	-	-
詐欺罪 Offenses of fraud	909	782	17.0	-	-	74	15.5	4	1.5	11	4
一般詐欺 Common fraud	909	782	17.0	-	-	74	15.5	4	1.5	11	4
常業詐欺 Occupational fraud	-	-	-	-	-	-	-	-	-	-	-
背信罪 Offenses of breach of trust	9	6	-	-	-	3	-	-	-	-	-
重利罪 Offenses of usury	4	4	-	-	-	-	-	-	-	-	-
恐嚇取財罪 Offenses of obtaining property by threats	10	9	-	-	-	1	-	-	-	-	-
擄人勒贖罪 Offenses of kidnapping for ransom	5	4	-	-	-	1	-	-	-	-	-
贓物罪 Offenses relating to illegally obtained property	1	1	-	-	-	-	-	-	-	-	-
毀棄損壞罪 Offenses of destruction, abandonment, and damage of property	11	9	-	-	-	2	-	-	-	-	-
妨害電腦使用罪 Offenses of impairment to use of computers	7	6	-	-	-	1	-	-	-	-	-

11. 最高法院刑事上訴案件終結情形—按罪名別分(續六)
11. State of Criminal Appeals Cases Terminated by Supreme Court – by Crime Type (Cont. 6)

中華民國 110 年 (2021)

單位：件 (Unit: case)

罪名別 Crime type	合計 Total	駁回上訴 Appeals dismissed				撤銷原判 Revocation of previous judgment				撤回 With- drawn	其他 Other
		不合法 Improform		無理由 Groundless		發回更審 Referred back to previous court for new trial		自為判決 Supreme Court itself renders a judgment			
		全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part		
違反各種稅法 Violation of various taxation laws	5	4	-	-	-	1	-	-	-	-	-
違反菸酒管理法 Violation of the tobacco and alcohol management law	-	-	-	-	-	-	-	-	-	-	-
妨害國幣懲治條例 Violation of the punishment for impairment of state currency act	1	1	-	-	-	-	-	-	-	-	-
違反醫師法 Violation of the physicians law	4	3	-	-	-	1	-	-	-	-	-
違反藥事法 Violation of the pharmaceutical affairs act	43	37	2.5	-	-	-	0.5	-	2.0	1	-
偽藥 Counterfeit medicine	42	36	2.5	-	-	-	0.5	-	2.0	1	-
其他 Other	1	1	-	-	-	-	-	-	-	-	-
違反麻醉藥品管理條例 Violation of the anaesthetics control act	-	-	-	-	-	-	-	-	-	-	-
違反著作權法 Violation of the copyright law	15	13	0.5	-	-	1	0.5	-	-	-	-
違法重製罪 Offence of unlawful reproduction	10	8	0.5	-	-	1	0.5	-	-	-	-
移轉所有權或公開陳列持有侵害著作權 Infringement of copyright by means of transfer of ownership, public display or possession	1	1	-	-	-	-	-	-	-	-	-
公開上映或改作出租侵害著作財產權 Infringement of copyright by means of public presentation, adaptation, or renting	4	4	-	-	-	-	-	-	-	-	-
侵害著作權或違法將重製物銷售國外 Infringement of copyright or unlawful sale of reproduced articles abroad	-	-	-	-	-	-	-	-	-	-	-
侵害著作權犯罪之常業犯 Offense of occupational infringement of copyright	-	-	-	-	-	-	-	-	-	-	-
違法重製銷售受保護之外國著作翻譯 Unlawful reproduction or sale of foreign works or translations under protection	-	-	-	-	-	-	-	-	-	-	-
違法利用他人著作罪 Offense of unlawful use of another person's work of authorship	-	-	-	-	-	-	-	-	-	-	-
虛偽記載登記罪 Offense of false entry or registration	-	-	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-	-	-
違反建築法 Violation of the building law	-	-	-	-	-	-	-	-	-	-	-
違反公平交易法 Violation of the fair trade act	-	-	-	-	-	-	-	-	-	-	-
違反山坡地保育利用條例 Violation of the mountain slopes conservation and utilization law	-	-	-	-	-	-	-	-	-	-	-
違反野生動物保育法 Violation of the wildlife conservation law	2	2	-	-	-	-	-	-	-	-	-
違反水污染防治法 Violation of the water pollution control law	4	3	-	-	-	1	-	-	-	-	-
違反兩岸關係條例 Violation of the cross-strait relations act	18	16	0.5	-	-	-	-	-	0.5	1	-

11. 最高法院刑事上訴案件終結情形—按罪名別分(續七完)

11. State of Criminal Appeals Cases Terminated by Supreme Court – by Crime Type (Cont. End)

中華民國 110 年 (2021)

單位：件 (Unit: case)

罪名別 Crime type	合計 Total	駁回上訴 Appeals dismissed				撤銷原判 Revocation of previous judgment				撤回 Withdrawn	其他 Other
		不合法 Improform		無理由 Groundless		發回更審 Referred back to previous court for new trial		自為判決 Supreme Court itself renders a judgment			
		全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part	全部 All	部分 Part		
違反公司法 Violation of the company law	7	6	-	-	-	1	-	-	-	-	-
違反食品安全衛生管理法 Violation of the food sanitation control law	5	2	1.0	-	-	1	1.0	-	-	-	-
違反專利法 Violation of the patent law	-	-	-	-	-	-	-	-	-	-	-
偽造專利品罪 Offense of forgery of patented articles	-	-	-	-	-	-	-	-	-	-	-
竊用專利方法罪 Offense of wrongful use a patented process	-	-	-	-	-	-	-	-	-	-	-
販賣陳列輸入偽造之專利品罪 Sale, display or importation of forged patented articles	-	-	-	-	-	-	-	-	-	-	-
虛偽標示罪 Offense of false marking	-	-	-	-	-	-	-	-	-	-	-
違反商標法 Violation of the trademark law	1	1	-	-	-	-	-	-	-	-	-
侵害他人商標罪 Offense of trademark infringement	1	1	-	-	-	-	-	-	-	-	-
販賣陳列輸出仿冒商標罪 Offense of sale, display, importation or exportation of counterfeit trademark	-	-	-	-	-	-	-	-	-	-	-
惡意使用他人商標文字罪 Offense of malicious use of another person's trademarked words	-	-	-	-	-	-	-	-	-	-	-
違反槍砲彈藥刀械管制條例 Violation of the controlling guns, ammunition and knives act	317	277	6.0	-	-	19	5.0	2	1.0	6	1
國家安全法 National security law	-	-	-	-	-	-	-	-	-	-	-
集會遊行法 Mass gathering and demonstration act	-	-	-	-	-	-	-	-	-	-	-
違反銀行法 Violation of the banking law	99	73	4.5	-	-	16	4.5	1	-	-	-
違反選舉罷免法 Violation of the election and recall law	49	38	-	-	-	10	-	-	-	1	-
違反兒童及少年性剝削防制條例 Violation of the child and youth sexual exploitation prevention act	58	51	2.5	-	-	2	2.5	-	-	-	-
違反兒童及少年福利與權益保障法 Violation of the protection of children and youths welfare and rights act	-	-	-	-	-	-	-	-	-	-	-
違反洗錢防制法 Violation of the Money Laundering Control Act	56	48	-	-	-	8	-	-	-	-	-
違反資恐防制法 Violation of Countering the Financing of Terrorism Act	-	-	-	-	-	-	-	-	-	-	-
其他 Other	286	229	9.5	-	-	35	10.0	1	0.5	-	1
併案裁判 Consolidated judgments	330	273	17.0	-	-	14	16.0	-	3.0	4	3