

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

中華民國 98 年(2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type  | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment                |               |  |               | 撤回<br>With-<br>drawn | 其他<br>Other |
|--|-------------|---------------------------|---------------|-------------------|---------------|--|---------------|--|---------------|----------------------|-------------|
|  |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous<br>court for new trial |               | 自為判決<br>The Supreme Court itself<br>renders a judgment |               |                      |             |
|  |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All  | 部分<br>Partial | 全部<br>All  | 部分<br>Partial |                      |             |
| 合計<br>Total  | 8 061       | 5 463                     | 225.5         | 57                | 7.0           | 1 963  | 217.5         | 44   | 12.0          | 50                   | 22          |
| 普通刑法<br>Subtotal of general criminal law                                       | 3 752       | 2 474                     | 96.0          | 37                | 6.0           | 985  | 90.0          | 19   | 7.0           | 27                   | 11          |
| 內亂罪<br>Offenses against the internal security of the state                     | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 外患罪<br>Offenses against the external security of the state                     | 5           | 3                         | -             | -                 | -             | 2  | -             | -  | -             | -                    | -           |
| 妨害國交罪<br>Offenses of interference with relations with other states             | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 瀆職罪<br>Offenses of malfeasance in office                                       | 8           | 5                         | 1.0           | -                 | -             | 1  | 1.0           | -  | -             | -                    | -           |
| 妨害公務罪<br>Offenses of interference with public functions                        | 10          | 6                         | -             | -                 | -             | 3  | -             | -  | -             | 1                    | -           |
| 妨害投票罪<br>Offenses of interference with voting                                  | 15          | 6                         | 0.5           | -                 | -             | 8  | 0.5           | -  | -             | -                    | -           |
| 妨害秩序罪<br>Offenses of interference with public order                            | 1           | 1                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 脫逃罪<br>Offenses of escape  | 3           | 3                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 藏匿人犯及湮滅證據罪<br>Offenses of concealment of offenders and destruction of evidence | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 偽證罪<br>Offenses of perjury   | 51          | 39                        | 1.0           | 1                 | -             | 8  | 1.0           | -  | -             | 1                    | -           |
| 誣告罪<br>Offenses of malicious accusation  | 141         | 98                        | 2.5           | -                 | -             | 35   | 2.5           | -  | -             | 1                    | 2           |
| 公共危險罪<br>Offenses against public safety  | 169         | 142                       | 3.0           | -                 | -             | 20   | 3.0           | -  | -             | -                    | 1           |
| 放火<br>Arson  | 37          | 27                        | 0.5           | -                 | -             | 9  | 0.5           | -  | -             | -                    | -           |
| 燒燬建築物及住宅<br>Destruction by fire of building and residence                      | 33          | 24                        | 0.5           | -                 | -             | 8  | 0.5           | -  | -             | -                    | -           |
| 燒燬其他物件<br>Destruction by fire of other objects                                 | 4           | 3                         | -             | -                 | -             | 1  | -             | -  | -             | -                    | -           |
| 失火<br>Negligent fire   | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 燒燬建築物及住宅<br>Destruction by fire of building and residence                      | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 燒燬其他物件<br>Destruction by fire of other objects                                 | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違背建築術成規<br>Violation of building practice                                      | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 妨害衛生<br>Obstruction to sanitation  | 2           | -                         | -             | -                 | -             | 2  | -             | -  | -             | -                    | -           |
| 漏逸氣體<br>Gas leak   | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 妨害交通安全<br>Obstruction to traffic safety  | 130         | 115                       | 2.5           | -                 | -             | 9  | 2.5           | -  | -             | -                    | 1           |
| 強暴脅迫危害交通安全<br>Obstruction by violence or threat of traffic safety              | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 不能安全駕駛<br>Inability to drive safely  | 2           | 2                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 肇事致人死傷逃逸<br>Hit and run  | 121         | 108                       | 2.5           | -                 | -             | 7  | 2.5           | -  | -             | -                    | 1           |
| 其他<br>Other  | 7           | 5                         | -             | -                 | -             | 2  | -             | -  | -             | -                    | -           |
| 危險物<br>Hazard materials  | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 爆裂物<br>Explosives  | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 核能放射線<br>Nuclear radiation   | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 其他<br>Other  | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |

### 11.最高法院刑事上訴案件終結情形—按罪名別分(續一)

11. State of Criminal Appeals Cases Terminated by Supreme Court - by Crime Type (Cont. 1)

中華民國 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type   | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment             |               |   |               | 撤回<br>Withdrawn | 其他<br>Other |
|---|-------------|---------------------------|---------------|-------------------|---------------|---|---------------|---|---------------|-----------------|-------------|
|   |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous court for new trial |               | 自為判決<br>The Supreme Court itself renders a judgment |               |                 |             |
|   |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All   | 部分<br>Partial | 全部<br>All   | 部分<br>Partial |                 |             |
| 偽造貨幣罪<br>Offenses of counterfeiting currency  | 19          | 16                        | 0.5           | -                 | -             | 2   | 0.5           | -   | -             | -               | -           |
| 偽造有價證券罪<br>Offenses of counterfeiting valuable securities   | 223         | 157                       | 2.5           | -                 | -             | 57  | 3.0           | 1   | 0.5           | 1               | 1           |
| 偽造度量衡罪<br>Offenses of falseifying weights and measures  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 偽造文書印文罪<br>Offenses of forging instruments or seals   | 638         | 409                       | 10.5          | -                 | -             | 201   | 10.5          | 1   | 1.0           | 3               | 2           |
| 偽造變造私文書<br>Forgery or alteration of private documents   | 465         | 299                       | 7.5           | -                 | -             | 144   | 7.5           | 1   | 1.0           | 3               | 2           |
| 偽造變造公文書<br>Forgery or alteration of public documents  | 102         | 78                        | 1.0           | -                 | -             | 22  | 1.0           | -   | -             | -               | -           |
| 偽造變造特種文書<br>Forgery or alteration of special documents  | 2           | 1                         | -             | -                 | -             | 1   | -             | -   | -             | -               | -           |
| 公文書不實登載<br>False entry in public documents  | 51          | 23                        | 1.5           | -                 | -             | 25  | 1.5           | -   | -             | -               | -           |
| 使公務員登載不實<br>Causing a functionary to make false entries in public documents                         | 13          | 7                         | 0.5           | -                 | -             | 5   | 0.5           | -   | -             | -               | -           |
| 業務上文書登載不實<br>False entry in occupational documents  | 2           | -                         | -             | -                 | -             | 2   | -             | -   | -             | -               | -           |
| 偽造盜用印文或署押<br>Forgery or unauthorized use of impression of a seal or signature                       | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 偽造盜用公印或印文<br>Forgery or unauthorized use of a public seal or impression of a seal                   | 3           | 1                         | -             | -                 | -             | 2   | -             | -   | -             | -               | -           |
| 妨害性自主罪<br>Offenses against sexual autonomy  | 609         | 378                       | 7.0           | 3                 | 0.5           | 202   | 6.5           | 8   | -             | 3               | 1           |
| 強制性交猥褻<br>Forced sexual intercourse or obscene act  | 596         | 374                       | 6.5           | -                 | -             | 198   | 6.5           | 7   | -             | 3               | 1           |
| 強制性交猥褻之殺人或重傷害<br>Manslaughter or serious bodily harm from forced sexual intercourse or obscene act  | 10          | 2                         | 0.5           | 3                 | 0.5           | 3   | -             | 1   | -             | -               | -           |
| 其他<br>Other   | 3           | 2                         | -             | -                 | -             | 1   | -             | -   | -             | -               | -           |
| 妨害風化罪<br>Offenses against sexual morality   | 134         | 101                       | 3.5           | -                 | -             | 25  | 3.5           | 1   | -             | -               | -           |
| 強姦<br>Rape  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 強姦殺人<br>Rape homicide   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 意圖營利性交猥褻<br>Sexual intercourse or obscene act for the purpose of gain                               | 134         | 101                       | 3.5           | -                 | -             | 25  | 3.5           | 1   | -             | -               | -           |
| 製造散布持有陳列猥褻文字圖畫物品<br>Production, distribution, possession or display of pornographic text or article | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 其他<br>Other   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 妨害婚姻及家庭罪<br>Offenses against marriage and family  | 7           | 5                         | -             | -                 | -             | 2   | -             | -   | -             | -               | -           |

### 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 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type  | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment                |               |  |               | 撤回<br>With-<br>drawn | 其他<br>Other |
|--|-------------|---------------------------|---------------|-------------------|---------------|--|---------------|--|---------------|----------------------|-------------|
|  |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous<br>court for new trial |               | 自為判決<br>The Supreme Court itself<br>renders a judgment |               |                      |             |
|  |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All  | 部分<br>Partial | 全部<br>All  | 部分<br>Partial |                      |             |
| 褻瀆祀典及侵害墳墓屍體罪<br>Offenses against religion, graves, and corpses | 1           | 1                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 妨害農工商罪<br>Offenses against agriculture, industry & commerce    | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 賭博罪<br>Offenses of gambling                                    | 3           | -                         | -             | -                 | -             | 3  | -             | -  | -             | -                    | -           |
| 單純賭博<br>Simple gambling  | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 供給賭博場所等賭博<br>Gamble of providing gambling places and the like  | 3           | -                         | -             | -                 | -             | 3  | -             | -  | -             | -                    | -           |
| 殺人罪<br>Offenses of homicide                                    | 460         | 265                       | 14.0          | 24                | 3.0           | 136  | 10.5          | 3  | 0.5           | 3                    | 1           |
| 殺人<br>Homicide   | 320         | 166                       | 13.5          | 24                | 3.0           | 98   | 10.0          | 1  | 0.5           | 3                    | 1           |
| 既遂<br>Consummation   | 176         | 67                        | 9.0           | 23                | 3.0           | 66   | 6.0           | 1  | -             | 1                    | -           |
| 普通殺人<br>General homicide                                       | 171         | 65                        | 9.0           | 21                | 3.0           | 65   | 6.0           | 1  | -             | 1                    | -           |
| 殺害直系尊親屬<br>Homicide of lineal ascendants by blood              | 5           | 2                         | -             | 2                 | -             | 1  | -             | -  | -             | -                    | -           |
| 未遂<br>Attempt  | 144         | 99                        | 4.5           | 1                 | -             | 32   | 4.0           | -  | 0.5           | 2                    | 1           |
| 普通殺人<br>General homicide                                       | 143         | 98                        | 4.5           | 1                 | -             | 32   | 4.0           | -  | 0.5           | 2                    | 1           |
| 殺害直系尊親屬<br>Homicide of lineal ascendants by blood              | 1           | 1                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 過失致死<br>Manslaughter   | 140         | 99                        | 0.5           | -                 | -             | 38   | 0.5           | 2  | -             | -                    | -           |
| 一般過失致人於死<br>General negligent killing                          | 3           | 2                         | -             | -                 | -             | 1  | -             | -  | -             | -                    | -           |
| 醫師業務過失致人於死<br>Occupational negligent killing by a physician    | 7           | 3                         | -             | -                 | -             | 4  | -             | -  | -             | -                    | -           |
| 密醫過失致人於死<br>Negligent killing by an unlicensed physician       | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 交通業務過失致人於死<br>Occupational negligent killing by a driver       | 87          | 67                        | -             | -                 | -             | 18   | -             | 2  | -             | -                    | -           |
| 交通一般過失致人於死<br>General negligent killing by a driver            | 8           | 7                         | -             | -                 | -             | 1  | -             | -  | -             | -                    | -           |
| 其他業務過失致人於死<br>Other occupational negligent killing             | 35          | 20                        | 0.5           | -                 | -             | 14   | 0.5           | -  | -             | -                    | -           |

### 11.最高法院刑事上訴案件終結情形—按罪名別分(續三)

11. State of Criminal Appeals Cases Terminated by Supreme Court - by Crime Type (Cont 3.)

中華民國 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type  | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment             |               |   |               | 撤回<br>Withdrawn | 其他<br>Other |
|--|-------------|---------------------------|---------------|-------------------|---------------|---|---------------|---|---------------|-----------------|-------------|
|  |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous court for new trial |               | 自為判決<br>The Supreme Court itself renders a judgment |               |                 |             |
|  |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All   | 部分<br>Partial | 全部<br>All   | 部分<br>Partial |                 |             |
| 傷 害 罪<br>Offenses of causing bodily harm                                     | 198         | 121                       | 5.0           | -                 | -             | 63  | 5.0           | 2   | 1.0           | 1               | -           |
| 傷 害 直 系 尊 親 屬<br>Bodily harm of lineal ascendants by blood                   | 2           | 1                         | -             | -                 | -             | 1   | -             | -   | -             | -               | -           |
| 重 傷 罪<br>Serious bodily harm   | 37          | 18                        | 2.0           | -                 | -             | 13  | 2.0           | 1   | -             | 1               | -           |
| 傷 害 致 死<br>Bodily harm resulting in death                                    | 111         | 69                        | 2.5           | -                 | -             | 35  | 2.5           | 1   | 1.0           | -               | -           |
| 醫 師 業 務 過 失 傷 害<br>Occupational negligent bodily harm by a physician         | 1           | -                         | -             | -                 | -             | 1   | -             | -   | -             | -               | -           |
| 密 醫 過 失 傷 害<br>Negligent bodily harm by an unlicensed physician              | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 交 通 業 務 過 失 傷 害<br>Occupational negligent bodily harm by a driver            | 1           | 1                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 交 通 一 般 過 失 傷 害<br>General negligent bodily harm by a driver                 | 1           | -                         | -             | -                 | -             | 1   | -             | -   | -             | -               | -           |
| 其 他 業 務 過 失 傷 害<br>Other occupational negligent bodily harm                  | 1           | 1                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 其 他<br>Other   | 44          | 31                        | 0.5           | -                 | -             | 12  | 0.5           | -   | -             | -               | -           |
| 墮 胎 罪<br>Offenses of abortion  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 遺 棄 罪<br>Offenses of abandonment   | 3           | 1                         | -             | -                 | -             | 2   | -             | -   | -             | -               | -           |
| 妨 害 自 由 罪<br>Offenses against personal liberty                               | 128         | 91                        | 5.5           | -                 | 0.5           | 23  | 4.0           | 1   | 1.0           | 1               | 1           |
| 使 人 為 奴 隸 及 買 賣 質 押 人 口<br>Enslavement of, trade in, and pawning of, persons | 3           | 2                         | 0.5           | -                 | -             | -   | 0.5           | -   | -             | -               | -           |
| 詐 術 使 人 出 國<br>Fraudulently causing a person to leave the territory          | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 略 誘 罪<br>Abduction   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 剝 奪 行 動 自 由<br>Deprivation of freedom of movement                            | 118         | 84                        | 4.5           | -                 | 0.5           | 23  | 3.0           | 1   | 1.0           | 1               | -           |
| 強 制 罪<br>Coercion offense  | 5           | 4                         | -             | -                 | -             | -   | -             | -   | -             | -               | 1           |
| 恐 嚇 危 害 安 全<br>Obstruction of safety by threat                               | 2           | 1                         | 0.5           | -                 | -             | -   | 0.5           | -   | -             | -               | -           |
| 侵 入 或 滯 留<br>Trespassing on, or lingering in, a property                     | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違 法 搜 索<br>Illegal search  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |

### 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 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type   | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment             |               |   |               | 撤回<br>With-drawn | 其他<br>Other |
|---|-------------|---------------------------|---------------|-------------------|---------------|---|---------------|---|---------------|------------------|-------------|
|   |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous court for new trial |               | 自為判決<br>The Supreme Court itself renders a judgment |               |                  |             |
|   |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All   | 部分<br>Partial | 全部<br>All   | 部分<br>Partial |                  |             |
| 妨害名譽及信用罪<br>Offenses against personal reputation & credits            | 1           | 1                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 妨害秘密罪<br>Offenses relating to protection of secrets                   | 1           | -                         | -             | -                 | -             | 1   | -             | -   | -             | -                | -           |
| 竊盜罪<br>Offenses of larceny  | 45          | 26                        | 1.5           | -                 | -             | 15  | 1.5           | -   | -             | 1                | -           |
| 普通竊盜竊占<br>Common theft and theft of movables or immovables            | 11          | 4                         | 0.5           | -                 | -             | 5   | 0.5           | -   | -             | 1                | -           |
| 加重竊盜<br>Severe theft  | 18          | 13                        | 0.5           | -                 | -             | 4   | 0.5           | -   | -             | -                | -           |
| 常業竊盜<br>Occupational theft  | 16          | 9                         | 0.5           | -                 | -             | 6   | 0.5           | -   | -             | -                | -           |
| 強盜罪<br>Offenses of robbery  | 424         | 292                       | 20.5          | 6                 | 2.0           | 77  | 18.0          | 2   | 1.5           | 5                | -           |
| 搶奪及海盜罪<br>Offenses of snatch of property and piracy                   | 64          | 58                        | -             | -                 | -             | 4   | -             | -   | -             | 2                | -           |
| 侵占罪<br>Offenses of misappropriation                                   | 52          | 38                        | 1.5           | -                 | -             | 11  | 1.5           | -   | -             | -                | -           |
| 普通侵占<br>Common embezzlement   | 1           | 1                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 公務公益侵占<br>Official embezzlement                                       | 5           | 3                         | -             | -                 | -             | 2   | -             | -   | -             | -                | -           |
| 業務侵占<br>Occupational embezzlement                                     | 45          | 33                        | 1.5           | -                 | -             | 9   | 1.5           | -   | -             | -                | -           |
| 侵占遺失物<br>Embezzlement of lost articles                                | 1           | 1                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 詐欺罪<br>Offenses of fraud  | 203         | 131                       | 7.5           | -                 | -             | 49  | 9.0           | -   | 1.5           | 4                | 1           |
| 一般詐欺<br>Common fraud  | 48          | 27                        | 4.5           | -                 | -             | 11  | 4.5           | -   | -             | 1                | -           |
| 常業詐欺<br>Occupational fraud  | 155         | 104                       | 3.0           | -                 | -             | 38  | 4.5           | -   | 1.5           | 3                | 1           |
| 背信罪<br>Offenses of breach of trust                                    | 13          | 5                         | 2.5           | -                 | -             | 2   | 2.5           | -   | -             | -                | 1           |
| 重利罪<br>Offenses of usury  | 31          | 20                        | -             | -                 | -             | 11  | -             | -   | -             | -                | -           |
| 恐嚇取財罪<br>Offenses of obtaining property by threats                    | 28          | 16                        | 2.0           | -                 | -             | 8   | 2.0           | -   | -             | -                | -           |
| 擄人勒贖罪<br>Offenses of kidnapping for ransom                            | 35          | 20                        | 4.0           | 3                 | -             | 4   | 4.0           | -   | -             | -                | -           |
| 贓物罪<br>Offenses relating to illegally obtained property               | 9           | 6                         | -             | -                 | -             | 3   | -             | -   | -             | -                | -           |
| 毀棄損壞罪<br>Offenses of destruction, abandonment, and damage of property | 15          | 11                        | -             | -                 | -             | 4   | -             | -   | -             | -                | -           |
| 妨害電腦使用罪<br>Offenses of impairment to use of computers                 | 5           | 2                         | -             | -                 | -             | 3   | -             | -   | -             | -                | -           |

### 11.最高法院刑事上訴案件終結情形—按罪名別分(續五)

11. State of Criminal Appeals Cases Terminated by Supreme Court - by Crime Type (Cont. 5)

中華民國 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type   | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment                |               |  |               | 撤回<br>With-<br>drawn | 其他<br>Other |
|---|-------------|---------------------------|---------------|-------------------|---------------|--|---------------|--|---------------|----------------------|-------------|
|   |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous<br>court for new trial |               | 自為判決<br>The Supreme Court itself<br>renders a judgment |               |                      |             |
|   |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All  | 部分<br>Partial | 全部<br>All  | 部分<br>Partial |                      |             |
| <b>特別刑事法計</b><br>Sub-total of special criminal law                          | 4 309       | 2 989                     | 129.5         | 20                | 1.0           | 978  | 127.5         | 25   | 5.0           | 23                   | 11          |
| 貪污治罪條例<br>Punishment of corruption act                                      | 381         | 134                       | 20.0          | -                 | -             | 204  | 20.5          | 1  | 0.5           | -                    | 1           |
| 懲治盜匪條例<br>Punishment of thieves and bandits act                             | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 妨害兵役治罪條例<br>Punishment of offenses against military<br>service act          | 1           | 1                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反電信法<br>Violation of the telecommunications act                            | 6           | 5                         | -             | -                 | -             | 1  | -             | -  | -             | -                    | -           |
| 違反糧食管理法<br>Violation of the grain control law                               | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反國家總動員法<br>Violation of the national general mobilization<br>law           | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 懲治走私條例<br>Punishment of smuggling act                                       | 34          | 24                        | 0.5           | -                 | -             | 9  | 0.5           | -  | -             | -                    | -           |
| 違反森林法<br>Violation of the forestry law                                      | 16          | 13                        | -             | -                 | -             | 3  | -             | -  | -             | -                    | -           |
| 違反漁業法<br>Violation of the fishery law                                       | 2           | 2                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反毒品危害防制條例<br>Violation of the narcotics endangerment<br>prevention act     | 2 508       | 1 868                     | 67.0          | 20                | 1.0           | 449  | 65.5          | 13   | 2.5           | 14                   | 8           |
| 製造運輸販賣<br>Manufacture, transport, or sale                                   | 1 526       | 941                       | 62.5          | 19                | 1.0           | 417  | 60.5          | 11   | 2.0           | 10                   | 2           |
| 施用<br>Use   | 916         | 888                       | 2.5           | 1                 | -             | 12   | 2.5           | 1  | -             | 4                    | 5           |
| 其他<br>Other   | 66          | 39                        | 2.0           | -                 | -             | 20   | 2.5           | 1  | 0.5           | -                    | 1           |
| 陸海空軍刑法<br>Criminal law of the armed forces                                  | 2           | 2                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反水利法<br>Violation of the irrigation management law                         | 4           | 2                         | -             | -                 | -             | 2  | -             | -  | -             | -                    | -           |
| 違反電業法<br>Violation of the electricity management law                        | 9           | 8                         | -             | -                 | -             | 1  | -             | -  | -             | -                    | -           |
| 違反海商法<br>Violation of the maritime commercial law                           | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反就業服務法<br>Violation of the employment services law                         | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反能源管理法<br>Violation of the energy management law                           | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反動產擔保交易法<br>Violation of the personal property secured<br>transactions act | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反商業登記法<br>Violation of the commercial registration law                     | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反勞動基準法<br>Violation of the labor standards law                             | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |
| 違反勞工安全衛生法<br>Violation of the labor safety and health law                   | -           | -                         | -             | -                 | -             | -  | -             | -  | -             | -                    | -           |

### 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 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type  | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment             |               |   |               | 撤回<br>With-drawn | 其他<br>Other |
|--|-------------|---------------------------|---------------|-------------------|---------------|---|---------------|---|---------------|------------------|-------------|
|  |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous court for new trial |               | 自為判決<br>The Supreme Court itself renders a judgment |               |                  |             |
|  |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All   | 部分<br>Partial | 全部<br>All   | 部分<br>Partial |                  |             |
| 違反各種稅法<br>Violation of various taxation laws   | 15          | 11                        | 0.5           | -                 | -             | 3   | 0.5           | -   | -             | -                | -           |
| 違反菸酒管理法<br>Violation of tobacco and alcohol management law   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 妨害國幣懲治條例<br>Violation of the punishment for impairment of state currency act                                   | 15          | 10                        | -             | -                 | -             | 4   | -             | 1   | -             | -                | -           |
| 違反醫師法<br>Violation of the physicians law   | 10          | 8                         | 0.5           | -                 | -             | 1   | 0.5           | -   | -             | -                | -           |
| 違反藥事法<br>Violation of the pharmaceutical affairs act   | 72          | 49                        | 1.5           | -                 | -             | 20  | 1.5           | -   | -             | -                | -           |
| 偽藥<br>Counterfeit medicine   | 72          | 49                        | 1.5           | -                 | -             | 20  | 1.5           | -   | -             | -                | -           |
| 其他<br>Other  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違反麻醉藥品管理條例<br>Violation of the anaesthetics control act  | 3           | 2                         | -             | -                 | -             | 1   | -             | -   | -             | -                | -           |
| 違反著作權法<br>Violation of the copyright law   | 52          | 29                        | 3.0           | -                 | -             | 17  | 3.0           | -   | -             | -                | -           |
| 違法重製罪<br>Offence of unlawful reproduction  | 26          | 15                        | 1.5           | -                 | -             | 8   | 1.5           | -   | -             | -                | -           |
| 移轉所有權或公開陳列持有侵害著作權<br>Infringement of copyright by means of transfer of ownership, public display or possession | 5           | 3                         | -             | -                 | -             | 2   | -             | -   | -             | -                | -           |
| 公開上映或改作出租侵害著作財產權<br>Infringement of copyright by means of public presentation, adaptation, or renting          | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 侵害著作權或違法將重製物銷售國外<br>Infringement of copyright or unlawful sale of reproduced articles abroad                   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 侵害著作權犯罪之常業犯<br>Offense of occupational infringement of copyright   | 21          | 11                        | 1.5           | -                 | -             | 7   | 1.5           | -   | -             | -                | -           |
| 違法重製銷售受保護之外國著作翻譯<br>Unlawful reproduction or sale of foreign works or translations under protection            | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違法利用他人著作罪<br>Offense of unlawful use of another person's work of authorship                                    | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 虛偽記載登記罪<br>Offense of false entry or registration  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 其他<br>Other  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違反建築法<br>Violation of the building law   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違反公平交易法<br>Violation of the fair trade act   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違反山坡地保育利用條例<br>Violation of the mountain slopes conservation and utilization law                               | 14          | 9                         | 0.5           | -                 | -             | 4   | 0.5           | -   | -             | -                | -           |
| 違反野生動物保育法<br>Violation of the wildlife conservation law  | 5           | 4                         | -             | -                 | -             | -   | -             | -   | -             | 1                | -           |
| 違反水污染防治法<br>Violation of the water pollution control law   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -                | -           |
| 違反兩岸關係條例<br>Violation of the cross-strait relations act  | 63          | 53                        | 2.0           | -                 | -             | 5   | 2.0           | -   | -             | -                | 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 98 年 (2009)

單位：件 (Unit: case)

| 罪名別<br>Crime type  | 合計<br>Total | 駁回上訴<br>Appeals dismissed |               |                   |               | 撤銷原判<br>Revocation of previous judgment             |               |   |               | 撤回<br>Withdrawn | 其他<br>Other |
|--|-------------|---------------------------|---------------|-------------------|---------------|---|---------------|---|---------------|-----------------|-------------|
|  |             | 不合法<br>Improform          |               | 無理由<br>Groundless |               | 發回更審<br>Return back to previous court for new trial |               | 自為判決<br>The Supreme Court itself renders a judgment |               |                 |             |
|  |             | 全部<br>All                 | 部分<br>Partial | 全部<br>All         | 部分<br>Partial | 全部<br>All   | 部分<br>Partial | 全部<br>All   | 部分<br>Partial |                 |             |
| 違反公司法<br>Violation of the company law  | 8           | 2                         | -             | -                 | -             | 6   | -             | -   | -             | -               | -           |
| 違反食品衛生管理法<br>Violation of the food sanitation control law                                      | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違反專利法<br>Violation of the patent law   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 偽造專利品罪<br>Offense of forgery of patented articles  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 竊用專利方法罪<br>Offense of wrongful use a patented process  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 販賣陳列輸入偽造之專利品罪<br>Sale, display or importation of forged patented articles                      | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 虛偽標示罪<br>Offense of false marking  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違反商標法<br>Violation of the trademark law  | 1           | -                         | 0.5           | -                 | -             | -   | 0.5           | -   | -             | -               | -           |
| 侵害他人商標罪<br>Offense of trademark infringement   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 販賣陳列輸出入仿冒商標罪<br>Offense of sale, display, importation or exportation of counterfeit trademark  | 1           | -                         | 0.5           | -                 | -             | -   | 0.5           | -   | -             | -               | -           |
| 惡意使用他人商標文字罪<br>Offense of malicious use of another person's trademarked words                  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違反槍砲彈藥刀械管制條例<br>Violation of the guns, explosives and knives control act                       | 556         | 441                       | 14.0          | -                 | -             | 73  | 13.5          | 7   | 1.5           | 6               | -           |
| 國家安全法<br>National security law   | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 集會遊行法<br>Mass gathering and demonstration act  | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違反銀行法<br>Violation of the banking law  | 33          | 15                        | 2.5           | -                 | -             | 13  | 2.5           | -   | -             | -               | -           |
| 違反選舉罷免法<br>Violation of the election and recall law  | 132         | 71                        | 4.0           | -                 | -             | 52  | 3.5           | -   | 0.5           | -               | 1           |
| 違反兒童及少年性交易防制條例<br>Violation of the children's and juvenile's sexual transaction prevention act | 84          | 55                        | 2.5           | -                 | -             | 22  | 2.5           | 2   | -             | -               | -           |
| 違反兒童及少年福利法<br>Violation of the children's and juvenile's welfare law                           | -           | -                         | -             | -                 | -             | -   | -             | -   | -             | -               | -           |
| 違反洗錢防制法<br>Violation of the Money Laundering Control Act                                       | 6           | 4                         | -             | -                 | -             | 2   | -             | -   | -             | -               | -           |
| 其他<br>Other  | 277         | 167                       | 10.5          | -                 | -             | 86  | 10.5          | 1   | -             | 2               | -           |