

14.最高法院刑事上訴確定案件裁判結果－按罪名別分

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至 二年以下 Over 1 year to 2 years	逾二年至 三年以下 Over 2 years to 3 years	逾三年至 五年以下 Over 3 years to 5 years
合計 Total	6 542	5 653	3	109	5 513	1 965	674	281	775
普通刑法計 Subtotal of general criminal law	3 252	2 780	3	71	2 694	975	393	159	382
內亂罪 Offenses against the internal security of the state	-	-	-	-	-	-	-	-	-
外患罪 Offenses against the external security of the state	-	-	-	-	-	-	-	-	-
妨害國交罪 Offenses of interference with relations with other states	3	-	-	-	-	-	-	-	-
瀆職罪 Offenses of malfeasance in office	10	1	-	-	1	1	-	-	-
妨害公務罪 Offenses of interference with public functions	4	3	-	-	3	1	-	-	2
妨害投票罪 Offenses of interference with voting	154	42	-	-	42	42	-	-	-
妨害秩序罪 Offenses of interference with public order	-	-	-	-	-	-	-	-	-
脫逃罪 Offenses of escape	3	2	-	-	2	2	-	-	-
藏匿人犯及湮滅證據罪 Offenses of concealment of offenders and destruction of evidence	-	-	-	-	-	-	-	-	-
偽證罪 Offenses of perjury	29	23	-	-	23	22	1	-	-
誣告罪 Offenses of malicious accusation	79	43	-	-	43	40	3	-	-
公共危險罪 Offenses against public safety	110	105	-	-	105	81	10	2	9
放火 Arson	23	20	-	-	20	1	8	1	8
燒燬建築物及住宅 Destruction by fire of building and residence	20	17	-	-	17	-	6	1	8
燒燬其他物件 Destruction by fire of other objects	3	3	-	-	3	1	2	-	-
失火 Negligent fire	-	-	-	-	-	-	-	-	-
燒燬建築物及住宅 Destruction by fire of building and residence	-	-	-	-	-	-	-	-	-
燒燬其他物件 Destruction by fire of other objects	-	-	-	-	-	-	-	-	-
違背建築術成規 Violation of building practice	-	-	-	-	-	-	-	-	-
妨害衛生安全 Obstruction to sanitation	4	4	-	-	4	3	1	-	-
漏逸氣體 Gas leak	-	-	-	-	-	-	-	-	-
妨害交通安全 Obstruction to traffic safety	83	81	-	-	81	77	1	1	1
強暴脅迫危害交通安全 Obstruction by violence or threat of traffic safety	-	-	-	-	-	-	-	-	-
不能安全駕駛 Inability to drive safely	2	2	-	-	2	2	-	-	-
肇事致人死傷逃逸 Hit and run	73	71	-	-	71	69	1	1	-
其他 Other	8	8	-	-	8	6	-	-	1
危險物 Hazard materials	-	-	-	-	-	-	-	-	-
爆裂物 Explosives	-	-	-	-	-	-	-	-	-
核能放射線 Nuclear radiation	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
452	824	542	14	14	-	697	7	184	1	2	
196	430	159	11	1	-	413	3	55	1	2	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	3	-	-	-
-	-	-	-	-	-	3	-	6	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	112	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	3	-	3	-	-	-
-	-	-	-	-	-	30	1	5	-	-	-
3	-	-	-	-	-	3	-	1	1	-	-
2	-	-	-	-	-	1	-	1	1	-	-
2	-	-	-	-	-	1	-	1	1	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
1	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
1	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續一)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
偽造貨幣罪 Offenses of counterfeiting currency	23	23	-	-	23	1	6	-	16
偽造有價證券罪 Offenses of counterfeiting valuable securities	163	140	-	-	140	17	32	12	71
偽造度量衡罪 Offenses of falsifying weights and measures	-	-	-	-	-	-	-	-	-
偽造文書印文罪 Offenses of forging instruments or seals	501	391	-	-	391	296	70	16	9
偽造變造私文書 Forgery or alteration of private documents	358	279	-	-	279	224	36	12	7
偽造變造公文書 Forgery or alteration of public documents	51	43	-	-	43	15	22	4	2
偽造變造特種文書 Forgery or alteration of special documents	2	2	-	-	2	2	-	-	-
公文書不實登載 False entry in public documents	25	19	-	-	19	8	11	-	-
使公務員登載不實 Causing a functionary to make false entries in public documents	48	41	-	-	41	41	-	-	-
業務上文書登載不實 False entry in occupational documents	11	3	-	-	3	3	-	-	-
偽造盜用印文或署押 Forgery or unauthorized use of impression of a seal or signature	2	-	-	-	-	-	-	-	-
偽造盜用公印或印文 Forgery or unauthorized use of a public seal or impression of a seal	4	4	-	-	4	3	1	-	-
妨害性自主罪 Offenses against sexual autonomy	325	302	1	4	297	43	21	14	129
強制性交猥褻 Forced sexual intercourse or obscene act	316	293	-	-	293	43	21	13	127
強制性交猥褻之殺人或重傷害 Manslaughter or serious bodily harm from forced sexual intercourse or obscene act	6	6	1	4	1	-	-	-	-
其他 Other	3	3	-	-	3	-	-	1	2
妨害風化罪 Offenses against sexual morality	116	113	-	-	113	54	51	4	2
強姦 Rape	-	-	-	-	-	-	-	-	-
強姦殺人 Rape homicide	-	-	-	-	-	-	-	-	-
意圖營利性交猥褻 Sexual intercourse or obscene act for the purpose of gain	116	113	-	-	113	54	51	4	2
製造散布持有陳列猥褻文字圖書物品 Production, distribution, possession or display of pornographic text, book or article	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-
妨害婚姻及家庭罪 Offenses against marriage and family	10	9	-	-	9	2	5	-	2

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by
Crime Type(Cont. 1)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分	
Time imprisonments			拘役	罰金								
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction	Suspension of punishment
-	-	-	-	-	-	-	-	-	-	-	-	
8	-	-	-	-	-	-	23	-	-	-	1	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	90	1	19	-	1	-
-	-	-	-	-	-	-	71	-	8	-	1	-
-	-	-	-	-	-	-	-	1	7	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	6	-	-	-	-	-
-	-	-	-	-	-	-	3	-	4	-	-	-
-	-	-	-	-	-	-	8	-	-	-	-	-
-	-	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
17	68	5	-	-	-	-	20	-	3	-	-	-
17	68	4	-	-	-	-	20	-	3	-	-	-
-	-	1	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
1	1	-	-	-	-	-	2	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
1	1	-	-	-	-	-	2	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	1	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續二)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
褻瀆祀典及侵害墳墓屍體罪 Offenses against religion, graves, and corpses	3	3	-	-	3	2	1	-	-
妨害農工商罪 Offenses against agriculture, industry & commerce	-	-	-	-	-	-	-	-	-
賭博罪 Offenses of gambling	8	8	-	-	7	6	1	-	-
單純賭博 Simple gambling	1	1	-	-	-	-	-	-	-
供給賭博場所等賭博 Gamble of providing gambling places and the like	7	7	-	-	7	6	1	-	-
殺人罪 Offenses of homicide	379	328	1	43	284	56	9	10	15
殺人 Homicide	288	262	1	43	218	1	2	6	15
既遂 Consummation	175	156	1	43	112	-	-	1	2
普通殺人 General homicide	173	154	1	41	112	-	-	1	2
殺害直系尊親屬 Homicide of lineal ascendants by blood	2	2	-	2	-	-	-	-	-
未遂 Attempt	113	106	-	-	106	1	2	5	13
普通殺人 General homicide	110	104	-	-	104	1	2	5	13
殺害直系尊親屬 Homicide of lineal ascendants by blood	3	2	-	-	2	-	-	-	-
過失致死 Manslaughter	91	66	-	-	66	55	7	4	-
一般過失致人於死 General negligent killing	1	1	-	-	1	1	-	-	-
醫師業務過失致人於死 Occupational negligent killing by a physician	16	2	-	-	2	2	-	-	-
密醫過失致人於死 Negligent killing by an uncensed physician	-	-	-	-	-	-	-	-	-
交通業務過失致人於死 Occupational negligent killing by a driver	46	42	-	-	42	36	4	2	-
交通一般過失致人於死 General negligent killing by a driver	5	5	-	-	5	5	-	-	-
其他業務過失致人於死 Other occupational negligent killing	23	16	-	-	16	11	3	2	-

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 2)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	-	-	-	-	-	-
-	-	-	-	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
73	31	90	-	-	-	44	-	7	-	-	-
73	31	90	-	-	-	21	-	5	-	-	-
14	8	87	-	-	-	19	-	-	-	-	-
14	8	87	-	-	-	19	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
59	23	3	-	-	-	2	-	5	-	-	-
59	22	2	-	-	-	1	-	5	-	-	-
-	1	1	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	23	-	2	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	14	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	4	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	5	-	2	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續三)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
傷害罪 Offenses of causing bodily harm	219	214	-	-	210	19	20	9	37
傷害直系尊親屬 Bodily harm of lineal ascendants by blood	4	4	-	-	3	1	-	-	-
重傷 Serious bodily harm	22	22	-	-	22	4	4	2	3
傷害致死 Bodily harm resulting in death	137	133	-	-	133	-	1	1	18
醫師業務過失傷害 Occupational negligent bodily harm by a physician	-	-	-	-	-	-	-	-	-
密醫過失傷害 Negligent bodily harm by an unlicensed physician	-	-	-	-	-	-	-	-	-
交通業務過失傷害 Occupational negligent bodily harm by a driver	1	1	-	-	1	1	-	-	-
交通一般過失傷害 General negligent bodily harm by a driver	2	2	-	-	1	1	-	-	-
其他業務過失傷害 Other occupational negligent bodily harm	-	-	-	-	-	-	-	-	-
其他 Other	53	52	-	-	50	12	15	6	16
墮胎罪 Offenses of abortion	2	2	-	-	2	2	-	-	-
遺棄罪 Offenses of abandonment	6	5	-	-	5	4	-	-	-
妨害自由罪 Offenses against personal liberty	152	142	-	-	138	105	25	3	2
使人為奴隸及買賣質押人口 Enslavement of, trade in, and pawning of, persons	3	3	-	-	3	-	1	-	-
詐術使人出國 Fraudulently causing a person to leave the territory	-	-	-	-	-	-	-	-	-
略誘罪 Abduction	-	-	-	-	-	-	-	-	-
剝奪行動自由 Deprivation of freedom of movement	122	117	-	-	115	85	24	3	2
強制罪 Coercion offense	16	12	-	-	11	11	-	-	-
恐嚇危害安全 Obstruction of safety by threat	11	10	-	-	9	9	-	-	-
侵入或滯留 Trespassing on, or lingering in, a property	-	-	-	-	-	-	-	-	-
違法搜索 Illegal search	-	-	-	-	-	-	-	-	-

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by
Crime Type(Cont. 3)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
34	75	16	4	-	-	4	-	1	-	-	-
-	1	1	1	-	-	-	-	-	-	-	-
8	-	1	-	-	-	-	-	-	-	-	-
25	74	14	-	-	-	4	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	1	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
1	-	-	2	-	-	-	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	1	-	-	-	-	1	-	-	-	-	-
-	3	-	4	-	-	8	-	2	-	-	-
-	2	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	1	-	2	-	-	4	-	1	-	-	-
-	-	-	1	-	-	4	-	-	-	-	-
-	-	-	1	-	-	-	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續四)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
妨害名譽及信用罪 Offenses against personal reputation & credits	2	1	-	-	-	-	-	-	-
妨害秘密罪 Offenses relating to protection of secrets	-	-	-	-	-	-	-	-	-
竊盜罪 Offenses of larceny	65	58	-	-	58	25	15	12	3
普通竊盜竊占 Common theft and theft of movables or immovables	16	13	-	-	13	10	3	-	-
加重竊盜 Severe theft	19	18	-	-	18	12	3	3	-
常業竊盜 Occupational theft	30	27	-	-	27	3	9	9	3
強盜罪 Offenses of robbery	377	370	-	13	357	-	2	11	34
搶奪及海盜罪 Offenses of snatch of property and piracy	50	50	-	-	50	26	18	3	2
侵占罪 Offenses of misappropriation	31	28	-	-	28	16	5	3	2
普通侵占 Common embezzlement	4	3	-	-	3	3	-	-	-
公務公益侵占 Official embezzlement	1	1	-	-	1	1	-	-	-
業務侵占 Occupational embezzlement	26	24	-	-	24	12	5	3	2
侵占遺失物 Embezzlement of lost articles	-	-	-	-	-	-	-	-	-
詐欺罪 Offenses of fraud	283	247	-	-	247	64	84	53	39
一般詐欺 Common fraud	68	39	-	-	39	19	11	6	3
常業詐欺 Occupational fraud	215	208	-	-	208	45	73	47	36
背信罪 Offenses of breach of trust	23	12	-	-	12	10	2	-	-
重利罪 Offenses of usury	23	22	-	-	22	14	5	1	2
恐嚇取財罪 Offenses of obtaining property by threats	20	19	-	-	19	8	6	3	2
擄人勒贖罪 Offenses of kidnapping for ransom	56	52	1	11	40	-	-	-	4
贓物罪 Offenses relating to illegally obtained property	11	11	-	-	11	7	1	3	-
毀棄損壞罪 Offenses of destruction, abandonment, and damage of property	12	11	-	-	9	9	-	-	-
妨害電腦使用罪 Offenses of impairment to use of computers	2	2	-	-	1	1	-	-	-

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by
Crime Type(Cont. 4)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
-	-	-	1	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
3	-	-	-	-	-	6	-	1	-	-	-
-	-	-	-	-	-	2	-	1	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
3	-	-	-	-	-	3	-	-	-	-	-
46	228	36	-	-	-	6	1	-	-	-	-
1	-	-	-	-	-	-	-	-	-	-	-
-	2	-	-	-	-	3	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	2	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
6	1	-	-	-	-	35	-	1	-	-	-
-	-	-	-	-	-	29	-	-	-	-	-
6	1	-	-	-	-	6	-	1	-	-	-
-	-	-	-	-	-	9	-	2	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
4	20	12	-	-	-	4	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	2	-	-	1	-	-	-	-	-
-	-	-	1	-	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續五)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
特 別 刑 事 法 令 計 Sub-total of special criminal law	3 290	2 873	-	38	2 819	990	281	122	393
貪 污 治 罪 條 例 Punishment of corruption act	250	128	-	-	128	23	19	15	15
懲 治 盜 匪 條 例 Punishment of thieves and bandits act	1	-	-	-	-	-	-	-	-
妨 害 兵 役 治 罪 條 例 Punishment of offenses against military service act	2	2	-	-	2	2	-	-	-
違 反 電 信 法 Violation of the telecommunications act	2	2	-	-	2	2	-	-	-
違 反 糧 食 管 理 法 Violation of the grain control law	-	-	-	-	-	-	-	-	-
違 反 國 家 總 動 員 法 Violation of the national general mobilization law	-	-	-	-	-	-	-	-	-
懲 治 走 私 條 例 Punishment of smuggling act	20	19	-	-	19	17	2	-	-
違 反 森 林 法 Violation of the forestry law	16	14	-	-	14	8	5	1	-
違 反 漁 業 法 Violation of the fishery law	-	-	-	-	-	-	-	-	-
違 反 毒 品 危 害 防 制 條 例 Violation of the narcotics endangerment prevention act	1 703	1 659	-	38	1 621	599	98	28	89
製 造 運 輸 販 賣 Manufacture, transport, or sale	1 009	968	-	38	930	3	20	18	89
施 用 Use	631	628	-	-	628	566	62	-	-
其 他 Other	63	63	-	-	63	30	16	10	-
陸 海 空 軍 刑 法 Criminal law of the armed forces	-	-	-	-	-	-	-	-	-
違 反 水 利 法 Violation of the irrigation management law	5	4	-	-	4	4	-	-	-
違 反 電 業 法 Violation of the electricity management law	8	8	-	-	8	7	-	1	-
違 反 海 商 法 Violation of the maritime commercial law	-	-	-	-	-	-	-	-	-
違 反 就 業 服 務 法 Violation of the employment services law	-	-	-	-	-	-	-	-	-
違 反 能 源 管 理 法 Violation of the energy management law	-	-	-	-	-	-	-	-	-
違 反 動 產 擔 保 交 易 法 Violation of the personal property secured transactions act	-	-	-	-	-	-	-	-	-
違 反 商 業 登 記 法 Violation of the commercial registration law	-	-	-	-	-	-	-	-	-
違 反 勞 動 基 準 法 Violation of the labor standards law	-	-	-	-	-	-	-	-	-
違 反 勞 工 安 全 衛 生 法 Violation of the labor safety and health law	2	2	-	-	-	-	-	-	-

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by
Crime Type(Cont. 5)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
256	394	383	3	13	-	284	4	129	-	-	-
27	14	15	-	-	-	118	1	3	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
92	351	364	-	-	-	35	1	8	-	-	-
87	350	363	-	-	-	35	1	5	-	-	-
-	-	-	-	-	-	-	-	3	-	-	-
5	1	1	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
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-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
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-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-							

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續六)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
違反各種稅法 Violation of various taxation laws	13	12	-	-	12	12	-	-	-
違反臺灣省菸酒專賣條例 Violation of the taiwan provincial tobacco and alcohol monopoly act	-	-	-	-	-	-	-	-	-
妨害國幣懲治條例 Violation of the punishment for impairment of state currency act	13	13	-	-	13	-	-	2	1
違反醫師法 Violation of the physicians law	6	6	-	-	6	5	1	-	-
違反藥事法 Violation of the pharmaceutical affairs act	42	41	-	-	39	26	6	5	2
偽藥 Counterfeit medicine	42	41	-	-	39	26	6	5	2
其他 Other	-	-	-	-	-	-	-	-	-
違反麻醉藥品管理條例 Violation of the anaesthetics control act	3	3	-	-	3	-	-	1	-
違反著作權法 Violation of the copyright law	77	51	-	-	48	44	3	1	-
違法重製罪 Offence of unlawful reproduction	35	22	-	-	19	19	-	-	-
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	7	3	-	-	3	3	-	-	-
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	2	-	-	-	-	-	-	-	-
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	33	26	-	-	26	22	3	1	-
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	1	-	-	-	-	-	-	-	-
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	17	7	-	-	7	4	2	1	-
違反野生動物保育法 Violation of the wildlife conservation law	2	1	-	-	1	1	-	-	-
違反水污染防治法 Violation of the water pollution control law	-	-	-	-	-	-	-	-	-
違反兩岸關係條例 Violation of the cross-strait relations act	40	40	-	-	40	27	11	1	1

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by
Crime Type(Cont. 6)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
9	1	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	2	-	1	-	-	-	-	-
-	-	-	-	2	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	3	-	18	-	8	-	-	-
-	-	-	-	3	-	11	-	2	-	-	-
-	-	-	-	-	-	2	-	2	-	-	-
-	-	-	-	-	-	1	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	4	-	3	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	10	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果－按罪名別分(續七完)

中華民國 97 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
違反公司法 Violation of the company law	23	16	-	-	14	13	1	-	-
違反食品衛生管理法 Violation of the food sanitation control law	-	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-
侵害他人商標罪 Offense of trademark infringement	-	-	-	-	-	-	-	-	-
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 guns, explosives and knives control act	494	480	-	-	480	30	57	41	212
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	22	22	-	-	22	1	1	6	13
違反選舉罷免法 Violation of the election and recall law	148	88	-	-	88	42	19	6	21
違反兒童及少年性交易防制條例 Violation of the children's and juvenile's sexual transaction prevention act	46	43	-	-	43	6	-	-	25
違反兒童及少年福利法 Violation of the children's and juvenile's welfare law	-	-	-	-	-	-	-	-	-
其他 Other	332	210	-	-	204	116	56	13	14

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. End)

2008

Unit: individual

Type of sentence					免刑	無罪	免訴	不受理	管轄錯誤	緩刑	保安處分
Time imprisonments			拘役	罰金							
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
			Detention	Punitive fine	Penalty released	Acquitted	Not prosecu- table	Case declined	Mistake in Jurisdiction	Suspension of punishment	Re- habilitative measures
-	-	-	2	-	-	2	-	5	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
113	26	1	-	-	-	13	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
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