刑事訴訟
Criminal Litigations

裁判救濟程序
Adjudication Relief Proceedings

壹、 上訴部分
Appeals against Judgments

一、 不服地方法院第一審判決
(1) Disagreement with a judgment of first instance

《201》得上訴（無告訴人、被害人）
如不服本判決應於收受送達後 20 日內向本院提出上訴書狀，並應敘述具體理由；其未敘述上訴理由者，應於上訴期間屆滿後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

《201》Appealable (No complainants or victims)
A person who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit ground of reasons in writing to the Court within 20 days since the appeal period lapses. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)[Please do not submit it directly to the Court of Appeal.]

《202》得上訴（有告訴人、被害人）
如不服本判決應於收受送達後 20 日內向本院提出上訴書狀，並應敘述具體理由；其未敘述上訴理由者，應於上訴期間屆滿後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。告訴人或被害人如對於本判決不服者，應具備理由請求檢察官上訴，其上訴期間之計算係以檢察官收受判決正本之日期為準。

《202》Appealable (With complainants or victims)
A person who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit

ground of reasons in writing to the Court within 20 days since the appeal period lapses. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)[Please do not submit it directly to the Court of Appeal.] Where a complainant or victim disagrees with this judgment, he/she shall request the prosecutor to appeal with reasons set forth. The calculation of such appeal period is based on the date on which the prosecutor accepts the original copy of the judgement.

二、 不服地方法院之協商判決
(2) Disagreement with a bargaining judgment of first instance

《203》不得上訴

不得上訴。但有刑事訴訟法第 455 條之 4 第 1 項第 1 款、第 2 款、第 4 款、第 6 款、第 7 款所定情形，或協商判決違反同條第 2 項之規定者，應於收受送達後 20 日內向本院提出上訴書狀，並應敘述具體理由；如未敘述上訴理由者，應於上訴期間屆滿後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

《203》Non-appealable

No appeals may be raised. However, in cases of the circumstances under the Code of Criminal Procedure, Article 455-4, Paragraph 1, Subparagraph 1, 2, 4, 6, and 7, or where the bargaining judgment is in violation of the provisions of Paragraph 2 of the same Article, a person who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit ground of reasons in writing to the Court within 20 days since the appeal period lapses. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)[Please do not submit it directly to the Court of Appeal.]

三、 不服地方法院之簡易判決
(3) Disagreement with a summary judgment of first instance

《204》得上訴

如不服本件判決，得自收受送達日起 20 日內提出上訴狀，上訴於本

院管轄之第二審地方法院合議庭。

《204》Appealable

A person who disagrees with this judgment may file a written petition of appeal to the collegiate bench of the competent district court of second instance over which the Court has jurisdiction within 20 days calculated from the date of service of the judgement.

《205》不得上訴（刑事訴訟法第 455 條之 1 第 2 項：依第 451 條之 1 之請求所為之科刑判決，不得上訴）

不得上訴。

《205》Non-appealable (The Code of Criminal Procedure, Article 455-1, Paragraph 2：A sentence judgment by a request pursuant to Article 451-1 may not be appealed.)

No appeals may be raised.

四、 不服高等法院之第二審或第一審判決

(4) Disagreement with a judgment of second instance or first instance rendered by the High Court

《206》得上訴

《206》Appealable

《206-1》（一般判決）

如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未敘述上訴之理由者並得於提起上訴後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

《206-1》(General judgment)

A person who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit ground of reasons in writing to the Court within 20 days since the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)[Please do not submit it directly to the Court of Appeal.]

《206-2》（被告無罪部分不得上訴，檢察官限於刑事妥速審判法第 9 條之情形得上訴）

無罪部分，被告不得上訴。檢察官如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，惟須受刑事妥速審判法第 9 條限制。其未敘述上訴之理由者，並得於提起上訴後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

刑事妥速審判法第 9 條：

除前條情形外，第二審法院維持第一審所為無罪判決，提起上訴之理由，以下列事項為限：

一、判決所適用之法令牴觸憲法。

二、判決違背司法院解釋。

三、判決違背判例。

刑事訴訟法第 377 條至第 379 條、第 393 條第 1 款之規定，於前項案件之審理，不適用之。

《206-2》 (The guilty part of the judgment made against the defendant may be appealed; the non-guilty part of the judgment made against the defendant may not be appealed; the prosecutor may only appeal under the conditions set out in the Criminal Speedy Trial Act, Article 9)

The defendant may not appeal, if he/she is found not guilty. If the prosecutor disagrees with the judgment, the prosecutor should submit a written appeal to the Court within 20 days after receiving the service of the judgment. However, it is subject to the limits as stipulated in the provisions of Article 9 of The Criminal Speedy Trial Act. If the reasons for the appeal are not stated, the prosecutor may submit an additional statement of reasons to this Court within 20 days of filing the appeal (in either occasion, attach the number of transcript copies as per the number of persons in the other parties) "Do not submit it to a higher court".

Article 9 of The Criminal Speedy Trial Act

Except for the circumstances as described in the preceding Article, if the second instance court upholds the verdict of acquittal of the first instance court, the reasons for appeal shall be limited to the following conditions:

1. The applicable law of the judgment is unconstitutional.
2. The judgment is contrary to the interpretation of the Judicial Yuan
3. The judgment is contrary to established judicial precedents.

The provisions of Articles 377 to 379 and 393 subparagraph 1 of The Code of Criminal Procedure shall not apply to the trial, as described in the preceding paragraph.

《206-3》（被告○○罪部分不得上訴、其他部分得上訴）

○○罪部分，不得上訴。

其他部分，如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未敘述上訴之理由者，並得於提起上訴後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

《206-3》（For the part of the offense of XXX on the defendant's judgment may not be appealed; the remaining part of the judgment may be appealed.)

For the part of XXX offense, it is non-appealable.

For the remaining part, a person who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit ground of reasons in writing to the Court within 20 days since the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.) [Please do not submit it directly to the Court of Appeal.]

《207》不得上訴（刑事妥速審判法第 8 條規定不得上訴之判決）

不得上訴。

《207》 Non-appealable (The judgment shall not be appealed under the Criminal Speedy Trial Act, Article 8)

Non-appealable.

《208》不得上訴

《208》Non-appealable

《208-1》（刑事訴訟法第 376 條各罪之案件）

不得上訴。

《208-1》(For the cases involving the various offenses under Article 376 of the

Code of Criminal Procedure)
Non-appealable.

《208-2》（例外得上訴第三審法院）

依據刑事訴訟法第 376 條第 1 項但書規定，得上訴第三審法院。被告或得為被告利益上訴之人，如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未敘述上訴之理由者並得於提起上訴後 20 日內向本院補提理由書（均須按他造當事人之人數附繕本）「切勿逕送上級法院」。

《208-2》(The exception that may be appealed to the court of third instance)

In accordance with the proviso of paragraph 1 of Article 376 of the Code of Criminal Procedure, a judgment may be appealed to the court of third instance. The defendant or a person who may appeal for the interest of the defendant who disagrees with this judgment shall file a written petition of appeal setting forth specific ground of reasons to the Court within 20 days calculated from the date of service of the judgement; A person who fails to set forth ground of reasons in a written petition of appeal shall submit ground of reasons in writing to the Court within 20 days since the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties. [Please do not submit it directly to the Court of Appeal.]

五、 不服刑事訴訟附帶民事訴訟判決

(5) Disagreement with the judgment for the ancillary civil action along with the criminal procedure

《209》得上訴

對本判決如不服，非對刑事判決上訴時不得上訴，並應於送達後 20 日內，向本院提出上訴狀。

《209》Appealable

Unless an appeal is filed for criminal judgment, a judgment cannot be appealed. A person who disagrees with this judgment shall file a written petition of appeal to the Court within 20 days calculated from the date of service of the judgement.

貳、 抗告部分
Interlocutory Appeals against Rulings

一、裁定
(1) Rulings

《210》得抗告
《210》Right to interlocutory appeals

《210-1》（一般裁定）

如不服本裁定，應於裁定送達後 10 日內向本院提出抗告狀。

《210-1》(General rulings)

A person who disagrees with this ruling shall file a written petition of interlocutory appeal against the ruling to the Court within 10 days calculated from the date of service of the judgement.

《210-2》（開始再審裁定抗告期間之特別規定）

《210-2》(Special provisions of the period for interlocutory appeals against a ruling for retrial)

如不服本裁定，應於裁定送達後 3 日內向本院提出抗告狀。

A person who disagrees with this ruling shall file a written petition of interlocutory appeal against the ruling to the Court within 3 days calculated from the date of service of the ruling.

《210-3》（以無再審理由駁回再審裁定抗告期間之特別規定）

如不服本裁定，應於裁定送達後 10 日內向本院提出抗告狀。

《210-3》(Special provisions for the period for filing an interlocutory appeal to a rejected retrial ruling, based on the grounds that there is no legal reason for a retrial.)

If there are any disagreements with the ruling as served, a petition of interlocutory appeal should be filed with this Court within 10 days from the date of service of the ruling.

《210-4》（駁回聲請提審裁定抗告期間之特別規定）

如不服本裁定，應於裁定送達後 10 日內向本院提出抗告狀。

《210-4》(Special provisions of the period for interlocutory appeals against a ruling denying the petition for habeas corpus)

A person who disagrees with this ruling shall file a written petition of interlocutory appeal against the ruling to the Court within 10 days calculated from the date of service of the judgement.

《210-5》（社會秩序維護法案件）

如不服本裁定，得於裁定書送達之翌日起 5 日內，以書狀敘述理由，向本庭提起抗告（須附繕本）。

《210-5》(Cases under Social Order Maintenance Act)

A person who disagrees with this ruling shall file a written petition of interlocutory appeal with reason against the ruling to the Court within 5 days calculated from the date of service of the judgement. (A written copy thereof shall be attached.)

《211》不得抗告

《211》No interlocutory appeals against rulings

《211-1》（一般裁定）

不得抗告。

《211-1》(General rulings)

No interlocutory appeals may be raised against the rulings.

《211-2》（附帶民事訴訟裁定移送民事庭）

不得抗告。

《211-2》(A ruling in ancillary civil actions sending the case to a civil court)

No interlocutory appeals may be raised against the ruling.

《212》不得再抗告

《212》No re-appeals against rulings

《212-1》（一般裁定）

不得再抗告。

《212-1》(General rulings)

No re-appeals may be raised against the rulings.

《212-2》（社會秩序維護法案件抗告法院之裁定）
本裁定不得再抗告。
《212-2》(Rulings of the interlocutory court for cases under Social Order Maintenance Act)
No re-appeals may be raised against the rulings.

二、審判長、受命法官、受託法官、或檢察官所為第 416 條第 1 項之處分（準抗告）
(2) Rulings made by the presiding judge, commissioned judge, requisitioned judge, or prosecutor under Article 416, Paragraph 1 (Quasi Interlocutory Appeal)

《213》準抗告
得於 10 日內以書狀敘述理由，向法院聲請撤銷或變更。
《213》Quasi Interlocutory Appeal
A motion to set aside or change may be filed in writing with ground of reasons to the court within 10 days.

參、 覆審
Examination

《214》聲請覆審 (刑事補償事件聲請人對於受理補償事件機關之決定不服)
如不服本決定書，應於收受決定書後 20 日內，以書狀敘述理由，向本院提出聲請覆審狀，經由本院向司法院刑事補償法庭聲請覆審。補償支付之請求，應於本補償決定書送達後 5 年內，以書狀並附戶籍謄本向本院為之，逾期不為請求者，其支付請求權消滅。
《214》 Appeal for re-examination (The claimant to the compensation for wrongful detentions and executions matter objects to the decision of claim rendered by the adjudicating agency.)
The claimant who objects to this decision shall file an appeal for re-examination in writing specifying the reasons for re-examination in the petition and file the petition to the court of Compensation for Wrongful Detentions and Executions of the Judicial Yuan through the Court within

20 days after the decision has delivered to the claimant.
The request of compensation payment shall be submitted to the Court in writing with a copy of domicile certification attached. The request shall be submitted within 5 years after the decision of claim is served to the claimant. The claimant's right to payment of compensation will be forfeited if the claimant fails to submit the request of payment before the specified deadline.

肆、申復、復審
Appeal and Re-Examination

《215》申復、復審（不服司法院性騷擾申訴處理評議委員會申訴決議）
對本決議有異議者，請依司法院工作場所性騷擾防治措施申訴及處理要點第 7 點規定，得於收到書面通知次日起 20 日內，向司法院性騷擾申訴處理評議委員會提出申復。但申復之事由發生在後或知悉在後者，其申復之 20 日期間自知悉時起算。申復應以書面敘述理由，連同原申訴決議書影本，向司法院性騷擾申訴處　　理評議委員會為之；亦得於收到書面通知次日起 30 日內，繕具復審書經由本院向公務人員保障暨培訓委員會提起復審。前開申訴案經結案後，不得就同一事由再提出。

《215》Appeal and re-examination
(Objections to resolutions rendered by Sexual Harassment Grievances Committee of the Judicial Yuan)
If either party is not satisfied with the resolution, the complainant or the respondent of the complaint may file a written appeal within 20 days from the date of receiving the written notice thereof to the Sexual Harassment Grievances Committee of the Judicial Yuan in accordance with Point 7 of the Complaints and Handling Guidelines for Sexual Harassment Prevention Measures at Workplace of the Judicial Yuan. However, if the cause of the appeal occurs or is known thereafter, the period of 20 days for filing the appeal shall begin from the time it is known. The appeal shall be made in writing specifying reasons, together with a copy of the original grievance resolution, to the Sexual Harassment

Grievances Committee of the Judicial Yuan; or a petition may be prepared and filed for re-examination within 30 days from the date of receipt of the written notice to the Civil Service Protection and Training Commission through the Court. Once the case aforesaid is closed, neither party may file a complaint for the same incident.