# 15.最高法院刑事上訴發回或發交更審案件次數及原因—按機關別分

## 15. Frequencies and Causes of Criminal Appeals Cases Remanded or Assigned for New Trial by Supreme Court – by Organ

中華民國 112 年 10 月至 12 月 (Oct.-Dec. 2023)

單位：件；項次
Unit: case; items

| 機關別 Organ | 裁判件數 Cases repealed | 發回或發交更審原因 Grounds for remand or assignment for new trial | | | | | | | | | | | | 機關別 Organ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 合計 Total | | 判決不適用法規或適用不當 Judgment that does not apply or improperly applies a law or regulation | 法院組織不合法 Illegal court organization | 應迴避之法官參與裁判 Disqualified judge participates in adjudication | 禁止審判公開非依法律之規定 Illegal ban on trial in open court | 法院認管轄有無或未論知管轄錯誤係不當 Improdecision on jurisdiction or no pronouncement of wrong jurisdiction | 法院受理訴訟或不受理訴訟係不當 Improentertain-ment or refusal of case by the court | 被告未於審判期日到庭而逕行審判 Judgment made without the presence of defendant in court | 強制辯護要件未經到庭辯護而逕行審判 Judgment made without defense in mandatory defense cases | 未經檢察官或自訴人到庭陳述即為審判 Trial without statement by a public or private prosecutor in court | 應停止或更新審判而未經停止或更新 Trial that shall be stayed or renewed but was not done so | 應於審判期日調查之證據未予調查 Where evidence to be investigated at the trial date is not investigated | |
| | | 全部 All | 部分 Part | | | | | | | | | | | | |
| **合計 Total** | **1 460** | **97** | **41** | **38** | **-** | **-** | **-** | **-** | **1** | **1** | **1** | **-** | **-** | **63** | **合計 Total** |
| 臺灣高等法院 Taiwan High Court | 720 | 44 | 21 | 16 | - | - | - | - | - | - | 1 | - | - | 29 | 臺灣高等法院 Taiwan High Court |
| 臺灣高等法院臺中分院 Taiwan High Court, Taichung branch | 357 | 19 | 11 | 6 | - | - | - | - | - | - | - | - | - | 15 | 臺灣高等法院臺中分院 Taiwan High Court, Taichung branch |
| 臺灣高等法院臺南分院 Taiwan High Court, Tainan branch | 173 | 8 | 2 | 4 | - | - | - | - | - | - | - | - | - | 5 | 臺灣高等法院臺南分院 Taiwan High Court, Tainan branch |
| 臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch | 175 | 23 | 7 | 11 | - | - | - | - | 1 | 1 | - | - | - | 12 | 臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch |
| 臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch | 32 | 3 | - | 1 | - | - | - | - | - | - | - | - | - | 2 | 臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch |
| 福建高等法院金門分院 Fujian High Court, Kinmen branch | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 福建高等法院金門分院 Fujian High Court, Kinmen branch |
| 智慧財產及商業法院 Intellectual Property and Commercial Court | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 智慧財產及商業法院 Intellectual Property and Commercial Court |
| 其他 Other | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 其他 Other |

# 15.最高法院刑事上訴發回或發交更審案件次數及原因—按機關別分(續)

## 15. Frequencies and Causes of Criminal Appeals Cases Remanded or Assigned for New Trial by Supreme Court – by Organ (Cont.)

中華民國 112 年 10 月至 12 月 (Oct.-Dec. 2023)

單位：件；項次
Unit: case; items

| 機關別 Organ | 發回或發交更審原因 Grounds for remand or assignment for new trial | | | | | | | 發回或發交更審次數 Frequency of cases remanded or assigned for new trial | | | | | | | | 機關別 Organ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 未予被告以最後陳述之機會 Failure to avail the defendant with opportunity to present final statement | 已受請求事項未予判決 No judgment on a claimed matter | 未受請求事項予以判決 Judgment on an unclaimed matter | 未經參與審理法官參與判決 Judge not participating in argument participates in judgment | 判決不載理由或所載理由矛盾 Where no reasons are specified in the judgment or where ground of reasons specified are contradicting | 訴訟程序違背法令顯然影響判決 Where the litigation procedure is in contravention of the laws and regulations and evidently influences the judgment | 其他 Other | 合計 Total | 第一次 First time | 第二次 Second time | 第三次 Third time | 第四次 Forth time | 第五次 Fifth time | 第六次 Sixth time | 第七次 Seventh time | 第八次以上 Eighth or more than eighth time | |
| **合計 Total** | **-** | **4** | **-** | **-** | **91** | **2** | **1** | **138** | **122** | **13** | **3** | **-** | **-** | **-** | **-** | **-** | **合計 Total** |
| 臺灣高等法院 Taiwan High Court | - | 2 | - | - | 46 | - | 1 | 65 | 55 | 9 | 1 | - | - | - | - | - | 臺灣高等法院 Taiwan High Court |
| 臺灣高等法院臺中分院 Taiwan High Court, Taichung branch | - | 2 | - | - | 16 | 1 | - | 30 | 28 | 1 | 1 | - | - | - | - | - | 臺灣高等法院臺中分院 Taiwan High Court, Taichung branch |
| 臺灣高等法院臺南分院 Taiwan High Court, Tainan branch | - | - | - | - | 8 | - | - | 10 | 10 | - | - | - | - | - | - | - | 臺灣高等法院臺南分院 Taiwan High Court, Tainan branch |
| 臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch | - | - | - | - | 19 | 1 | - | 30 | 26 | 3 | 1 | - | - | - | - | - | 臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch |
| 臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch | - | - | - | - | 2 | - | - | 3 | 3 | - | - | - | - | - | - | - | 臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch |
| 福建高等法院金門分院 Fujian High Court, Kinmen branch | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 福建高等法院金門分院 Fujian High Court, Kinmen branch |
| 智慧財產及商業法院 Intellectual Property and Commercial Court | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 智慧財產及商業法院 Intellectual Property and Commercial Court |
| 其他 Oher | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 其他 Oher |