# 15.最高法院刑事上訴發回或發交更審案件次數及原因—按年及機關別分

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

單位：件；項次(Unit: case;items)

| 年及機關別 | 裁判件數 | 發回或發交更審原因 Grounds for remand or assignment for new trial | | | | | | | | | | | | | Year and Organ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 合計 Total | | 判決不適用法則或適用不當 | 法院組織不合法 | 應迴避之法官參與裁判 | 禁止審判公開非依法律之規定 | 法院認管轄有無或未論知管轄錯誤係不當 | 法院受理訴訟或不受理訴訟係不當 | 被告未於審判期日到庭而逕行審判 | 強制辯護要件未經到庭辯護而逕行審判 | 未經檢察官或自訴人到庭陳述即為審判 | 應停止或更新審判而未經停止或更新 | 應於審判期日調查之證據未予調查 | |
| | | 全部 | 部分 | | | | | | | | | | | | |
| 年及機關別 | Total | All | Part | Judgment that does not apply or improperly applies a law or regulation | Illegal court organization | Disqualified judge participates in adjudication | Illegal ban on trial in open court | Improdecision on jurisdiction or no pronounce-ment of wrong jurisdiction | Improentertain-ment or refusal of case by the court | Judgment made without the presence of defendant in court | Judgment made without defense in mandatory defense cases | Trial without statement by a public or private prosecutor in court | Trial that shall be stayed or renewed but was not done so | Where evidence to be investigated at the trial date is not investigated | Year and Organ |
| 民 國 112 年 10-12 月 | 1 460 | 97 | 41 | 38 | - | - | - | - | 1 | 1 | 1 | - | - | 63 | Oct.-Dec. 2 0 2 3 |
| **民 國 1 1 3 年** | **5 488** | **320** | **140** | **136** | **-** | **-** | **-** | **1** | **-** | **3** | **1** | **-** | **1** | **258** | **2 0 2 4** |
| 臺 灣 高 等 法 院 | 2 806 | 163 | 77 | 75 | - | - | - | 1 | - | 1 | - | - | - | 130 | Taiwan High Court |
| 臺灣高等法院臺中分院 | 1 169 | 59 | 24 | 21 | - | - | - | - | - | 2 | 1 | - | 1 | 55 | Taiwan High Court, Taichung Branch Court |
| 臺灣高等法院臺南分院 | 613 | 40 | 15 | 16 | - | - | - | - | - | - | - | - | - | 26 | Taiwan High Court, Tainan Branch Court |
| 臺灣高等法院高雄分院 | 768 | 44 | 18 | 19 | - | - | - | - | - | - | - | - | - | 37 | Taiwan High Court, Kaohsiung Branch Court |
| 臺灣高等法院花蓮分院 | 111 | 13 | 5 | 3 | - | - | - | - | - | - | - | - | - | 10 | Taiwan High Court, Hualien Branch Court |
| 福建高等法院金門分院 | 12 | - | - | - | - | - | - | - | - | - | - | - | - | - | Fujian High Court, Kinmen Branch Court |
| 智慧財產及商業法院 | 9 | 1 | 1 | 2 | - | - | - | - | - | - | - | - | - | - | Intellectual Property and Commercial Court |
| 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—按年及機關別分(續)

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

單位：件；項次(Unit: case;items)

| 年及機關別 | 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 | | | | | | | | | Year and 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 | |
| 民 國 112 年 10-12 月 | - | 4 | - | - | 91 | 2 | 1 | 138 | 122 | 13 | 3 | - | - | - | - | - | Oct.-Dec. 2023 |
| **民 國 113 年** | **1** | **13** | **8** | **1** | **265** | **11** | **2** | **460** | **406** | **35** | **13** | **5** | **1** | **-** | **-** | **-** | **2024** |
| 臺 灣 高 等 法 院 | - | 5 | 4 | - | 141 | 8 | - | 240 | 212 | 15 | 7 | 5 | 1 | - | - | - | Taiwan High Court |
| 臺灣高等法院臺中分院 | - | 1 | 1 | - | 48 | 3 | 1 | 83 | 72 | 8 | 3 | - | - | - | - | - | Taiwan High Court, Taichung Branch Court |
| 臺灣高等法院臺南分院 | - | 4 | 1 | - | 33 | - | 1 | 55 | 49 | 4 | 2 | - | - | - | - | - | Taiwan High Court, Tainan Branch Court |
| 臺灣高等法院高雄分院 | 1 | - | 1 | - | 35 | - | - | 62 | 54 | 7 | 1 | - | - | - | - | - | Taiwan High Court, Kaohsiung Branch Court |
| 臺灣高等法院花蓮分院 | - | 1 | 1 | 1 | 7 | - | - | 18 | 17 | 1 | - | - | - | - | - | - | Taiwan High Court, Hualien Branch Court |
| 福建高等法院金門分院 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Fujian High Court, Kinmen Branch Court |
| 智慧財產及商業法院 | - | 2 | - | - | 1 | - | - | 2 | 2 | - | - | - | - | - | - | - | Intellectual Property and Commercial Court |
| 其 他 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Other |