

**TU122 LAW IN EVERYDAY LIFE**


**CRIMINAL LAW II**

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# CRIMINAL OFFENCES

- I. Criminal Law and Criminal Offences
- II. Types of Offences
- III. Particular Offences



**I.**  
**CRIMINAL LAW**  
**AND**  
**CRIMINAL OFFENCES**



1. Thai Penal Code

.....

2. Securities and Exchange Act

.....

3. Labour Protection Act

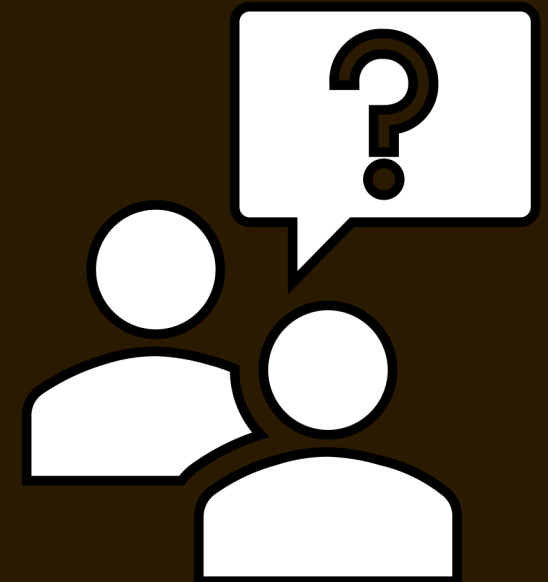
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4. Custom Act

.....

5. Copyright Act

.....





# THE CRIMINAL LAW?

THE CRIMINAL LAW IS THE LAWS THAT...

1. DEFINE WHAT CONDUCT IS CLASSIFIED AS AN OFFENCE AND
2. THE PENALTIES FOR THEIR COMMISSION.

\*Criminal Offence

Penalty



1. Thai Penal Code

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2. Securities and Exchange Act

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3. Labour Protection Act

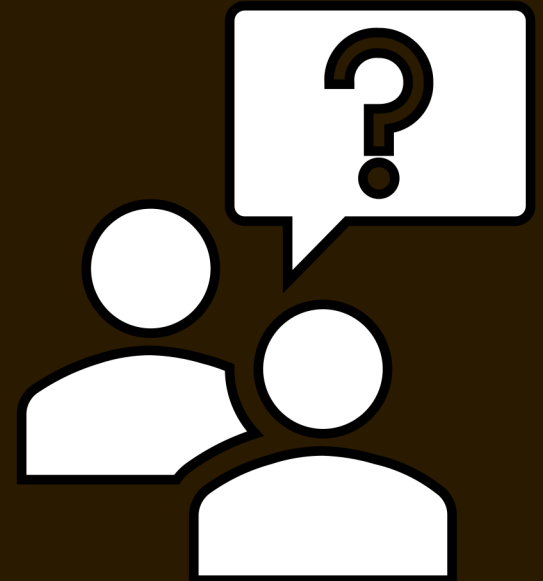
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4. Custom Act

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5. Copyright Act

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# **THAI PENAL CODE SECTION 288**

Whoever murders any other person shall be liable to the death penalty, imprisonment for life or imprisonment from fifteen years to twenty years.

# SECURITIES AND EXCHANGE ACT B.E. 2535

- SECTION 32. No promoter of a public limited company shall offer newly issued shares for sale to the public or other persons unless having obtained an approval from the SEC Office...
- SECTION 268. Any person who contravenes Section 32 ... shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding two times the price at which all securities were offered for sale by such person but not less than five hundred thousand baht, or both.



## **II. TYPES OF OFFENCES**



## COMPOUNDABLE OFFENCE

- Compoundable offence is less serious crime and they mostly affects private persons (private offence). They can be compromised between the victim and offender.



## NON-COMPOUNDABLE OFFENCE

- Non-compoundable offence is mostly a serious offence or public offence that cannot be compounded.



# CHAPTER II OFFENCES OF DISCLOSURE OF CONFIDENTIAL INFORMATION

- Section 322...
- Section 323...
- Section 324...
- Section 325. The offences in this chapter are compounable offences.





# **III. PARTICULAR OFFENCES**

# III. PARTICULAR OFFENCES

1. Offences relating to documents



2. Offences against property



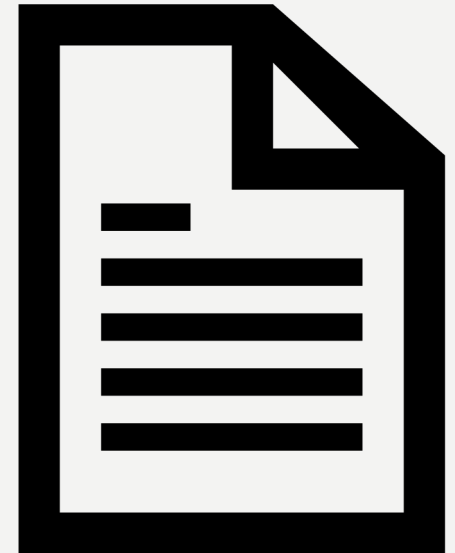
3. Offences of disclosure of private secrets



4. Offences of defamation



# I. Offences relating to documents



- **Section 264** Whoever forges a whole or part of document, adds, removes or alters by any means upon a genuine document; affixes with a counterfeit seal; or puts a forged signature to a document in a manner likely to cause damage to any person or the people, where it is committed with intent to cause any other person to believe that it be a genuine document is said to commit the offence of forgery of documents, and shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

## ELEMENTS OF CRIME

### Criminal act

- Who = Whoever
- Act = 1. Forges a whole or part of document / 2. Adds removes or alters by any means upon a genuine document / 3. Affixes with a counterfeit seal / 4. Puts a forged signature to document
- Object = (1.,3.,4.) Document / (2.) Genuine document

### Criminal state of mind

- Intent
- To cause any other person to believe that it be a genuine document

- **Section 268** Whoever uses or cites the document which is begotten from the commission of the offences as presubscribed in section 264, ... in a manner likely to cause damage to any person or the people shall be liable to the same punishment.
- Where the offender under the first paragraph is the person who himself or herself forges such document, the offender shall be liable to the punishment under this section for on count only.

# Man caught for selling fake medical certificates

PUBLISHED : 14 APR 2020 AT 18:55

WRITER: [WASSAYOS NGAMKHAM](#)

1.1K



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A young man selling online fake medical certificates, including for Covid-19, has been arrested in Lat Phrao district, Bangkok.

Police arrested Phitchayaphat Somsri, 24, at a house on Soi Nakniwas 48 in Lat Phrao area on April 13, with many tools used in falsifying medical certificates seized.

The items included 17 fake stamps bearing the names of private and public hospitals, 95 fake medical certificates, a computer containing forms of 65 hospitals, a mobile phone and two books containing Thailand Post's EMS labels, Tourist Police Bureau commissioner Pol Lt Gen Chettha Komolwattana said on Tuesday.

The arrest came after the police received a complaint that a social media user had allegedly producing fake doctor certificates and sold them online to those wanting to use them for sick leave, job application or other purposes. Thai and foreign nationals had allegedly hired him to produce fake documents, said Pol Lt Gen Chettha.

Investigators had coordinated with Pol Maj Gen Torsak Sukwimol, deputy chief of the Central Investigation Bureau, to probe and track down the Line chat user and the Facebook page offering medical certificates for sale. The service fee was 1,000 baht each.

The tourist police chief said the two accounts also provided fake medical certificates for Covid-19 symptoms for which the buyer was charged 800 baht each.

After obtaining the evidence, the investigators sought court approval to search the house in Lat Phrao that led to the arrest of the suspect.

During the interrogation, Mr Phitchayaphat confessed to having the Facebook page that sold fake medical certificates, both in Thai and English. He claimed he had done this for about one year.

The suspect implicated a woman called Ms Pub who he claimed had hired him and sent him fake hospital stamps and other items. He claimed he had been given 400 baht per certificate and earned about 40,000-50,000 baht a month.

Police would extend the investigation. They handed over the suspect to Chok Chai police for legal action.

## 2. Offences against property



- **Section 334** Whoever, dishonestly taking away any property belonging to another person or of which another person is a co-owning is said to commit the offence of theft, and shall be liable to imprisonment for not exceeding three years and a fine of not exceeding six thousand baht.

## [THEFT]

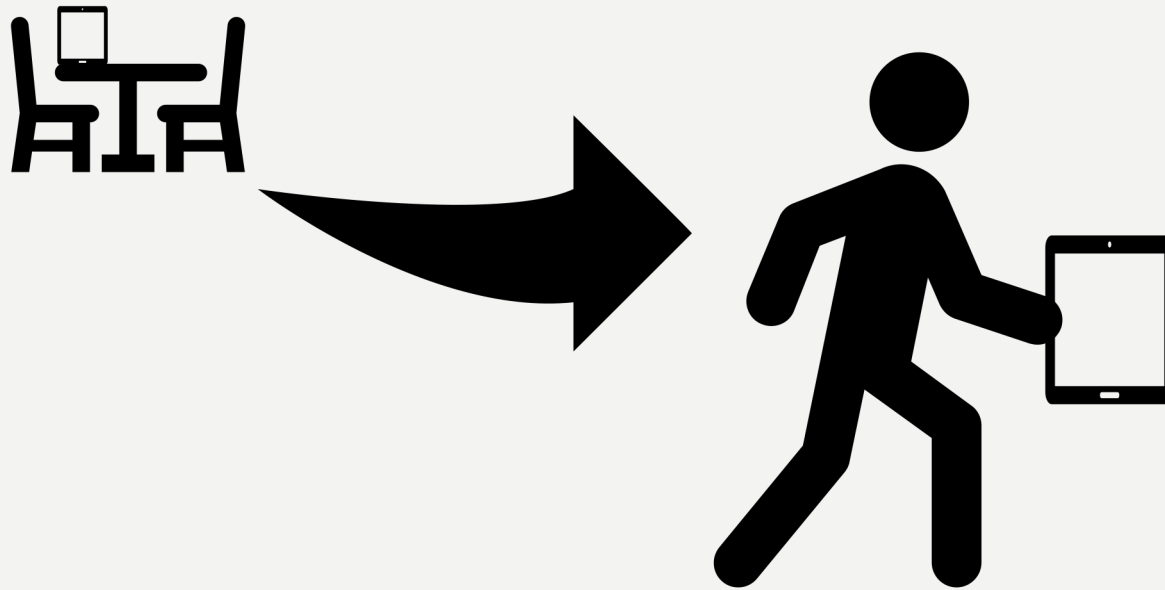
### Criminal act

- Who = Whoever
- Act = Taking away
- Object = Any property belonging to another person or of which another person is a co-owning

### Criminal state of mind

- Intent
- Dishonestly intent

**E.G. A TAKES B'S NEW IPAD PRO THAT B PUT IT ON THE TABLE WITHOUT B'S PERMISSION OR CONSENT.**



# E.G. A TAKES B'S NEW IPAD PRO THAT B PUT IT ON THE TABLE WITHOUT B'S PERMISSION OR CONSENT.



- Criminal act
- - Who = Whoever
- - Act = Taking away
- - Object = Any property belonging to another person or of which another person is a co-owning
- Criminal state of mind
- - Intent
- - Dishonestly intent

- **Section 336** Whoever, commits theft by snatching in presence is said to commit snatching, and shall be punished with imprisonment not exceeding five years and fined not exceeding ten thousand baht.

## **[SNATCHING]**

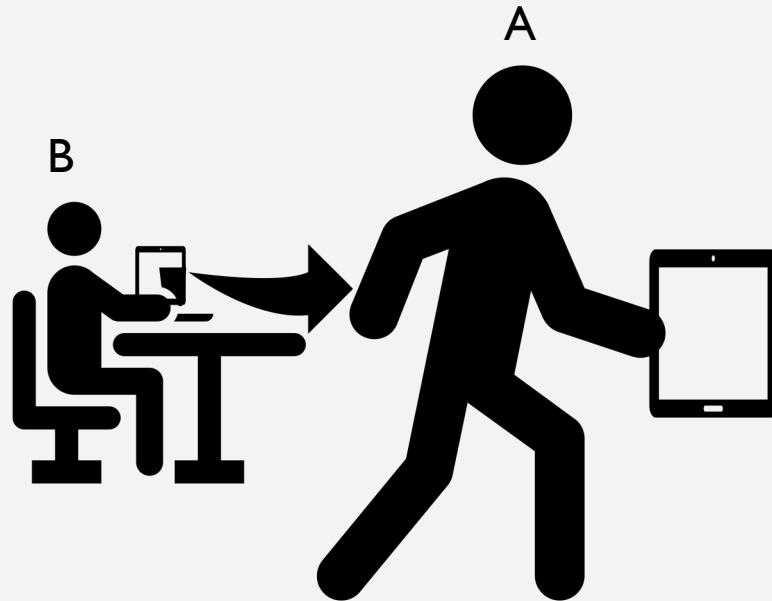
### Criminal act

- Who = Whoever
- Act = Taking away [theft] by snatching in presence
- Object = Any property belonging to another person or of which another person is a co-owning

### Criminal state of mind

- Intent
- Dishonestly intent

**E.G.**



- Criminal act
- - Who = Whoever
- - Act = Taking away [theft] by snatching in presence
- - Object = Any property belonging to another person or of which another person is a co-owning
- Criminal state of mind
- - Intent
- - Dishonestly intent

## British man charged with alleged motorcycle theft, bag snatching

*National*

*Jan 05, 2020*



Chanida Muangsak, a photographer in Chonburi, said that she had parked her white Honda motorcycle near a sidewalk on Pattaya Klang Road to run some errands, leaving the key in the ignition. When she returned 30 minutes later, her bike was gone.

Nearby pedestrians said that a Caucasian resembling a tourist had ridden away as if he were the owner.

Later on the night of January 1, Nattawut Damdong, owner of a bar on Pattaya Sai 2 Road, said that Frost came to his bar and ordered a beer so he went in to get one. When he returned, Frost was gone allegedly with his bag that contained a mobile phone, Bt900 in cash and some documents.

Both victims filed a case at Pattaya Police Station, describing the culprit as the same person, which led to the arrest of Frost eventually.

Frost, who entered Thailand five days ago on a tourist visa, initially rejected the allegations, but reportedly confessed later when confronted by witnesses and evidence. Police have charged him with larceny and auto theft.

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## British man charged with alleged motorcycle theft, bag snatching

Nation  
Jan 05, 2020



- **Section 339** Whoever, commits theft by doing harm or threatening that in the immediate any harm will be done in order to:
- (1) facilitate the commission theft or take away the stolen property;
- (2) compel a person to delivery the property;
- (3) retain the stolen property;
- (4) conceal the commission of such offence; or
- (5) escape from arrest,
- is said to commit the offence of robbery, and shall be liable to imprisonment of five to ten years and fine of ten thousand to twenty thousand baht.

## [ROBBERY]

### Criminal act

- Who = Whoever
- Act = Taking away [theft] by doing harm or threattening that in the immediate any harm will be done
- Object = Any property belonging to another person or of which another person is a co-owning

### Criminal state of mind

- Intent
- Dishonestly intent
- In order to (1)-(5)

ขอบคุณที่ใช้บริการ โรบินสัน ไลฟ์สไตล์ ลพบุรี  
Thank you for shopping with us

47:34



# Three killed, four injured in Lopburi gold heist

*National*

*Jan 10. 2020*



By THE NATION

- **Section 340** Whoever commits robbery with three persons upwards participate is said to commit the offence of gang-robbery, and shall be liable to imprisonment from ten years to fifteen years and a fine of twenty thousand to thirty thousand baht.

## [GANG-ROBBERY]

### Criminal act

- Who = Whoever commits robbery with three persons upwards participate
- Act = Taking away [theft] by doing harm or threatening that in the immediate any harm will be done
- Object = Any property belonging to another person or of which another person is a co-owning

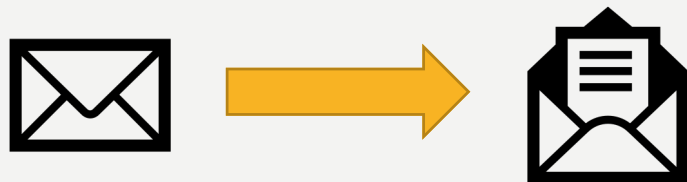
### Criminal state of mind

- Intent
- Dishonestly intent
- In order to (1)-(5)

### 3. Offences of disclosure of private secrets



- **Section 322** Whoever unseals or takes away a sealed letter, telegram or document of another person with the intention to know or disclose its content, where such act is in a manner likely to cause damage to any person, shall be liable to imprisoned for not exceeding six months or fine of not exceeding one thousand baht, or both.



## ELEMENTS OF CRIME

### Criminal act

- Who = Whoever
- Act = Unseals / Takes away
- Object = A sealed letter, telegram or document of another person

### Criminal state of mind

- Intent
- To know or disclose its content



- **Section 323** Whoever knows or acquires a private secret of another person as it is made known to him or her in the course of his or her occupation as a doctor, a pharmacist, a druggist, a midwife, a nurse, a priest, a advocate, a lawyer or an auditor, or by reason of being an assistant in such profession; and then discloses such private secret in a manner likely to cause damage to any person, shall be liable to imprisonment for not exceeding six months or fine of not exceeding one thousand baht, or both.

## ELEMENTS OF CRIME

### Criminal act

- Who = Whoever knows or acquires a private secret of another person as it is made known to him or her in the course of his or her occupation as a doctor, a pharmacist, a druggist, a midwife, a nurse, a priest, a advocate, a lawyer or an auditor, or by reason of being an assistant in such profession

- Act = discloses

- Object = Private secret

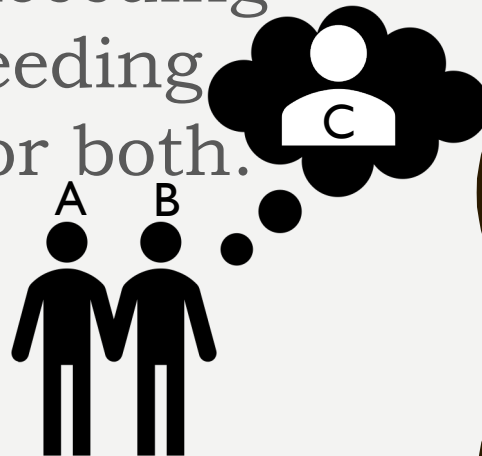
### Criminal state of mind

- Intent

## 4. Offences of defamation



- **Section 326** Whoever imputes anything about another person to the third person in a manner likely to impair the reputation of such person or to put such person to contempt or hatred is said to commit the offence of defamation, and shall be liable to imprisonment for not exceeding one year or fine not exceeding twenty thousand baht, or both.



## ELEMENTS OF CRIME

### Criminal act

- Who = Whoever
- Act = Imputes anything about another person to the third person in a manner likely to impair the reputation of such person or to put such person to contempt or hatred
- Object = Another person

### Criminal state of mind

- Intent

# E.G. 'IMPUTE'

- “รับสินบน”
- “โกงบ้านโกงเมือง”
- “เป็นกะหรี่”
- “เป็นขี้”

# E.G.

- Deeka 256/2509 “ผีปอบชาติหมา”
- Deeka 324/2490 “อ้ายครูชาติหมา สอนให้นักเรียนต่อยตีกัน”
- Deeka 10/2527 “หน้าผีเปรต”
- Deeka 72/2525 “บั๊กคมเป็นตำรวจหมาๆ บรู๊จ๊กอื๋หยัง”

# (INSULTING)



- **Section 393** Whoever insults the other person in his or her presence or by publication shall be liable to imprisoned for not exceeding one month or fine of not exceeding one thousand baht, or both.

**THE  
END**