



TU 122 LAW IN EVERYDAY LIFE

Criminal Law III

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Criminal Offences



Types of Offences

Compoundable offences

Non-compoundable offences



1. Offences Relating to Documents

Section 264 Any person, who is in a manner likely to cause injury to another person or the public, fabricates a false documents or part of a document, or adds to, takes from or otherwise alter a genuine document by any means whatsoever, or puts a false seal or signature to a document, if it is committed in order to make any person believe that it is a genuine document, then such a person is said to forge a document, and shall be sentenced to imprisonment for a term not exceeding 3 years or a fine not exceeding 6,000 baht, or both. **(Falsification of Documents)**



1. Offences Relating to Documents

Section 161 Section 161 Whoever, to be official to have the duty to make the document, to fill the contents in the document or to look after and to keep the document, to forge the document by virtue of the opportunity in exercising one self's, functions, shall be imprisoned not out of ten years and fined not out of twenty thousand Baht. **(Government official making a false document)**



1. Offences Relating to Documents

Section 267 Whoever, notifying the official doing oneself's duty to make any false entry in the public or official document for the aims to be used as evidence, shall be imprisoned not not exceeding three years or fined not exceeding six thousand baht, or both. **(Giving Fault Information to the Official)**



2. Offences Against Property

Section 334 Whoever, dishonestly taking away the thing of other person or which another person co-owns is said to commit theft. He shall be imprisoned not exceeding three years and fined not exceeding six thousand baht. **[Theft]**

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]**



2. Offences Against Property

Section 337 Whoever, compels a person to give or to agree to give him or another person a benefit in the nature of being a property by committing an act of violence or by a threat to commit violence against the life, body, liberty, reputation or property of the compelled person or a third person, so that the compelled person submits to the same is said to commit extortion, and shall be punished with imprisonment not exceeding five years and fined not exceeding ten thousand baht. **[extortion]**



2. Offences Against Property

Section 338 Whoever, compelling the other person to give or to agree to give oneself or another person the benefit in the nature to be the property by threatening to disclose the secret, to cause injury to the compelled person or the third person, up to the compelled person submit to the same, such person to be said to commit blackmail, and shall be imprisoned as from one year to ten years and fined as from two thousand baht to twenty thousand baht. **[Blackmail]**



2. Offences Against Property

Section 339 Whoever, commits theft by doing any act of violence or threatening to do any act of violence immediately in order:

- (1) To facilitate the theft or taking away of the thing;
- (2) To obtain delivery of the thing;
- (3) To take hold of the thing;
- (4) To conceal the commission of such offence; or
- (5) To escape from arrest, is said to commit robbery, and shall be punished with imprisonment of five to ten years and fined of ten thousand to twenty thousand baht. [**Robbery**]



2. Offences Against Property

Section 340 Whoever with three persons upwards participate in committing robbery, such persons are said to commit gang-robbery, and shall be punished with imprisonment of ten to fifteen years and fined of twenty thousand to thirty thousand baht. [**Gang-robbery**]



2. Offences Against Property

Section 352 A person with possession of another's property or property co-owned by another dishonestly takes that property. He shall be sentenced to jail not exceeding three years and/or fined not exceeding six thousand baht. [**Misappropriation or Embezzlement**]



3. Offences Relating to Trades

Section 271 Whoever, selling the goods by any fraudulent and deceitful means in order to deceive the buyer as to the origin source, nature, quality or such goods quantity, if such act not constitute cheating and fraud, shall be imprisoned not exceeding three year or fined not exceeding six thousand baht, or both.

(Fraud / Deception)



3. Offences Relating to Trades

Section 273 Whoever, forging the registered trade-mark of other person, whether to be registered inside or outside the Kingdom, shall be imprisoned not out of three years or fined not exceeding six thousand baht, or both.



4. Offences of Disclosure of Private Secrets

Section 322 Whoever, breaking open or taking away the closed letter, telegram or any document belonging to the other person so as to ascertain or to disclose its contents, if such act to be likely to cause injury to any person, shall be imprisoned not exceeding six months or fined not exceeding one thousand baht, or both. **(Disclosure of Private Secrets)**



4. Offences of Disclosure of Private Secrets

Section 323 Whoever, knows or acquires a private secret of another person by reason of his functions as a competent official or his profession as a medical practitioner, pharmacist, druggist, midwife, nursing attendant, priest, advocate, lawyer or auditor, or by reason of being an assistant in such profession, and then discloses such private secret in a manner likely to cause injury to any person, shall be punished with imprisonment not exceeding six months or fined not exceeding one thousand baht, or both.



5. Offences of Defamation

Section 326 Whoever, imputes anything to the other person before a third person in a manner likely to impair the reputation of such other person or to expose such other person to be hated or scorned, is said to commit defamation, and shall be punished with imprisonment not exceeding one year or fined not exceeding twenty thousand baht, or both. **(Defamation)**



5. Offences of Defamation

Section 328 If the offence of defamation be committed by means of publication of a document, drawing, painting, cinematography film, picture or letters made visible by any means, gramophone record or an other recording instruments, recording picture or letters, or by broadcasting or spreading picture, or by propagation by any other means, the offender shall be punished with imprisonment not exceeding two years and fined not exceeding two hundred thousand baht.



5. Offences of Defamation

Section 329 Whoever, in good faith, expresses any opinion or statement:

- (1) By way of self justification or defense, or for the protection of a legitimate interest;
- (2) In the status of being an official in the exercise of his functions;
- (3) By way of fair comment on any person or thing subjected to public criticism; or
- (4) By way of fair report of the open proceeding of any Court or meeting, shall not be guilty of defamation.



5. Offences of Defamation

Section 330 In case of defamation, if the person prosecuted for defamation can prove that the imputation made by him is true, he shall not be punished. But he shall not be allowed to prove if such imputation concerns personal matters, and such proof will not be benefit to the public.



6. Insulting

Section 393 Whoever, insulting the other person in his presence or by publication, shall be imprisoned not exceeding one month or fined not exceeding one thousand baht, or both. **(Insulting)**



Public Law



Definition of Public Law

2. Public law

Law governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to the society

Notable examples:

- (1) Constitutional law defines the relationship of different entities within a state, namely, the executive, the legislature, and the judiciary.
- (2) Administrative law governs the activities of administrative agencies of government
- (3) Criminal law?
- (4) Tax law?



Jurisdiction of the Constitutional Court

The Constitutional Court's jurisdiction under the Constitution:

- (1) Constitutionality review of bills of law prior to promulgation;
- (2) Constitutionality review of law already in force;
- (3) Constitutionality review of the conditions for enacting an Emergency Decree; and
- (4) Etc.



Hierarchy of Written Law

1. Constitution
2. Acts / Emergency Decrees
3. Secondary Legislation (Royal Decrees, Ministerial Rules, Ministerial Declaration, etc.)



Emergency Decrees

For the purpose of maintaining national or public safety or national economic security, or averting public calamity, the King may issue an Emergency Decree which shall have the force as an Act.

The issuance of an Emergency Decree under paragraph one shall be made only when the Council of Ministers is of the opinion that it is the case of emergency and necessary urgency which is unavoidable.

In the next succeeding sitting of the National Assembly, the Council of Ministers shall submit the Emergency Decree to the National Assembly [Parliament] for its consideration without delay.

Two conditions must be satisfied

- (1) Subject matter
- (2) Emergency



Jurisdiction of the Administrative Court

- Legality of an administrative act
- Legality of an administrative rule or regulations
- Decide disputes over administrative contract
- Constitutionality review of administrative rules and regulations



Jurisdiction of the Administrative Court

A plaintiff shall be aggrieved or injured or may be aggrieved or injured in consequence of ***an act or omission of an administrative agency or State official*** or has the dispute in connection with an ***administrative contract*** or other cases which fall within the jurisdiction of an Administrative Court. In reality, most aggrieved or injured persons in administrative cases are general people, who are aggrieved or injured by administrative acts. However, administrative agencies or State officials may be aggrieved or injured and have the right to file an administrative case as well.
