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## THE CRIMINAL CODE UPDATE 2005-2008

### ACT PROMULGATING THE CRIMINAL CODE

B.E. 2499

**BHUMIBOL ADULYADEJ, REX.**

Given on the 13<sup>th</sup> November, B.E. 2499;

Being the 11<sup>th</sup> year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to revise the Criminal Law anew, because, since the promulgation of the Criminal Law in B.E. 2451, the circumstances of the Country have considerably changed;

Be it, therefore, enacted an Act by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Section 1. This Act is to be called the "Act Promulgating the Criminal Code, B.E. 2499."

Section 2. This Act shall come into force as and from the day following the date of its publication in the Government Gazette.

Section 3. The Criminal Code annexed to this Act shall come into force as and from the 1st. January, B.E. 2500.

Section 4. Upon coming into force of the Criminal Code, the Criminal Law in B.E. 2451 shall be repealed.

Section 5. Upon coming into force of the Criminal Code, in case of any law determines the punishment by referring to the punishment of the petty offences in the Criminal Law in B.E. 2451, it shall be deemed that such law refers to the punishment as follows:

If it refers to the punishment Class 1, it means fined not exceeding one hundred Baht;

If it refers to the punishment Class 2, it means fined not exceeding five hundred Baht;

If it refers to the punishment Class 3, it means imprisonment not exceeding ten days or fined not exceeding five hundred Baht, or both;

If it refers to the punishment Class 4, it means imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 6. Upon coming into force of the Criminal Code, in the matter of imprisonment in lieu of fined under any law, the provisions of the Criminal Code shall apply, regardless of whatever may have been provided by such and such law; but, as for the offences committed before the enforcement of the Criminal Code, the confinement shall not exceed one year for the punishment of one count, and two years for the punishment of several counts.

Section 7. In case of safety measures according to Section 46 of the Criminal Code, the provisions of the Criminal Procedure Code shall apply as if it is a criminal offence, but the custody in the inquiring stage shall not exceed forty-eight hours as from the time when the arrested person arrives at the Office of the Administrative or Police officer, but the time taken for ordinary journey in bringing the arrested person to the Court shall not be included in such period of forty-eight hours.

Section 8. Upon coming into force of the Criminal Code, whenever the provisions of any law refer to the Criminal Law in B.E. 2451, or the provisions of the Criminal Law in B.E. 2451, it shall be deemed that the provisions of such law refer to the Criminal Code, or the provisions of the Criminal Code in the Section implying the same sense, as the case may be.

Counter - signature:

Field - Marshal P. Pibulsongkarm

President of the Council of Ministers

*Remark: The reason of promulgating this Act viz Penal Law in R.S. 127 to have been promulgated long since and to have been amended by several points to be dispersed and so being expedient to be cleared up and to be brought into the form of the single Criminal Code.*

*Moreover, to come to pass that some rules and procedures improved high to epoch and conception of international countries, and so, in the present time, some original rules are out of date, and expedient to be re – improved to be in line with administrative principle of democracy regime.*

**THE CRIMINAL CODE**  
**BOOK I GENERAL PROVISIONS**

TITLE I

PROVISIONS APPLICABLE TO  
GENERAL OFFENCES

CHAPTER 1

DEFINITIONS

Section 1. In This Code:

- (1) "To commit an act dishonestly" means to do an act in order to procure, for himself or the other person, any advantage to which he is not entitled by law;
- (2) "Public way" means a land or waterway used by the public for traffic, and includes a railway or tramway used for public conveyance;
- (3) "Public place" means a place to which the public has a right of entry;
- (4) "Dwelling place" means a place used for dwelling, such as a house, shed, vessel, or floating house in which a human being dwells, it also include the precinct of the place used for dwelling, whether it be enclosed or not;
- (5) "Arm" includes anything which is not a weapon by nature, but which is used or intended to be used as a weapon for causing grievous bodily harm;
- (6) "To commit an act of violence" means to do an act of violence against the body or mind of a person, whether it be by physical force or by any other means, and includes any act causing any person to be in a state of being unable to resist, whether it be by using drug causing intoxication, by hypnotism or by any other similar means;
- (7) "Document" means any paper or other material for expressing the meaning by letters, figures, plan or an other design, whether it be by way of printing, photographing or any other means, which is evidence of such meaning;
- (8) "Official document" means a document drawn up or authenticated by an official in the course of his duty, and includes also a. copy of such document authenticated by an official in the course of his duty;
- (9) "Document of right" means a document evidencing the creation, modification, transfer, reservation or extinction of a right;
- (10) "Signature" includes a finger-print and mark put to a document by a person in lieu of his signature;
- (11) "Night" means the interval between sunset and sunrise;
- (12) "Custody" means the restraint, keeping in custody, detention, confinement or imprisonment;
- (13) "Ransom" means a property of benefit demanded or given in exchange for the liberty of the person who is taken away, held or confined;
- (14) "Electronics Card" means that:
  - (A) Any of documents or materials in any description whatever that issuer having issued to the person entitled to use, irrespective of whether the specified name or not, by data or cipher noted by applying and using the ways of electron, electricity, long wave or any way in the same nature including to apply and use the ways of light or magnet to be sense appeared by any of letters, figures, ciphers or symbols either able to be seen or not to be seen by the naked eyes;
  - (B) Data, cipher, account number, any of set-numbers of electron or figures which issuer having issued to the person entitled to use by any of documents or materials not to be issued, but there is the way to use in the same manner as (A) ; or
  - (C) Anything else to be used in corroboration of the electronic data for showing the relationship between person and electronic data by the object for specifying the owned person.

*Section 1 (14) added by Section 3 of the Criminal Code Amendment Act (No. 17), B.E. 2547.*

## CHAPTER 2

### APPLICATION OF CRIMINAL LAWS

Section 2. A person shall be criminally punished only when the act done by such person is provided to be an offence and the punishment is defined by the law in force at the time of the doing of such act, and the punishment to be inflicted upon the offender shall be that provided by the law.

If, according to the law as provided afterwards, such act is no more an offence, the person doing such act shall be relieved from being an offender; and, if there is a final judgment inflicting the punishment, such person shall be deemed as not having ever been convicted by the judgment for committing such offence. If, however, such person is still undergoing the punishment, the punishment shall forthwith terminate.

Section 3. If the law in force at the time of committing the offence is different from that in force after the time of committing the offence, the law which is, in any way, more favorable to the offender, shall be applied, unless the case is final. But, in the case where it is final as follows:

(1) If the offender has not yet undergone the punishment, or is undergoing the punishment, and the punishment determined by the judgment is heavier than that provided by the law afterwards, when it appears to the Court from the file of the case, or when the offender, the legal representative or guardian of such person, or the Public Prosecutor makes a request, the Court shall re-determine the punishment according to the law as provided afterwards. In re-determining the punishment by the Court, if it appears that the offender has undergone a part of the punishment, the Court, when having regard to the punishment as provided by the law afterwards, may, if it thinks fit, determine less punishment than the minimum punishment as provided by the law afterwards, if any, or if it is of opinion that the punishment already undergone by the offender is sufficient, the Court may release the offender;

(2) if the Court has passed the judgment of death upon the offender, but, according to the law as provided afterwards, the punishment to be inflicted upon the offender is not as high as death, the execution of the offender shall be suspended, and it shall be deemed that the punishment of death according to the judgment has been changed to be the highest punishment to be inflicted according to the law as provided afterwards.

Section 4. Whoever, committing an offence within the Kingdom, shall be punished according to law. The offence committed in any Thai vessel or airplane irrespective of any place of Thai vessel or airplane shall be deemed as being committed within the Kingdom.

Section 5. Whenever any offence is even partially committed within the Kingdom, or the consequence of the commission of which, as intended by the offender, occurs within the Kingdom, or by the nature of the commission of which, the consequence resulting therefrom should occur within the Kingdom, or it could be foreseen that the consequence would occur within the Kingdom, it shall be deemed that such offence is committed within the Kingdom.

In case of preparation or attempt to commit any act provided by the law to be an offence, even though it is done outside the Kingdom, if the consequence of the doing of such act, when carried through to the stage of accomplishment of the offence, will occur within the Kingdom, it shall be deemed that the preparation or attempt to commit such offence is done within the Kingdom.

Section 6. Any offence has been committed within the Kingdom, or has been deemed by this Code as being committed within the Kingdom, even though the act of a co-principal, a supporter or an instigator in the offence has been committed outside the Kingdom it shall be deemed that the principal, supporter or instigator has committed the offence within the Kingdom.

Section 7. Whoever to commit the following offences outside the Kingdom shall be punished in the Kingdom, namely:

(1) Offences relating to the Security of the Kingdom as provided in Sections 107 to 129;

(1/1) The offence in respect of terrorization as prescribed by Section 13511, Section 13512, Section 135/3 and Section 135/4.

(2) Offences Relating to Counterfeiting and Alteration as provided in Sections 240 to 249, Section 254, Section 256, Section 257 and Section 266 (3) and (4);

(2 bis) Offences Relating to Sexuality as provided in Section 282 and Section 283;

(3) Offence Relating to Robbery as provided in Section 339, and Offence Relating to Gang-Robbery as provided in Section 340, which is committed on the high seas.

*Section 7 (1/1) amended by the Act Amending the Criminal Code, 8.E.2546, Section 3.*

*Section 7 (2 bis) added by Section 3 of the Criminal Code Amendment Act (No. 14), B.E. 2540.*

Section 8. Whoever commits an offence outside the Kingdom shall be punished in the Kingdom, provided that: and, provided further that the offence committed be any of the following namely:

(a) The offender be a Thai person, and there be a request for punishment by the Government of the country where the offence has occurred or by the injured person; or

(b) The offender be an alien, and the Thai Government or a Thai person be the injured person, and there be a request for punishment by the injured person;

If such offence to be the offence specified as following shall be punished within the Kingdom namely:

(1) Offences Relating to Cause Public Dangers as provided in Section 217, Section 218, Section 221 to 223 excepting the case relating to the first paragraph of Section 220, and Section 224, Section 226, Section 228 to 232, Section 237, and Section 233 to 236 only when it is the case to be punished according to Section 238;

(2) Offences Relating to Documents as provided in Section 264, Section 265, Section 266 (1) and (2), Section 268 excepting the case relating to Section 267 and Section 269;

(211) Offence Relating to the Electronic Card according to be prescribed by Section 269/1 to Section 269/7.

*Section 8 (2/1) added by Section 4 of the Criminal Code Amendment Act (No. 17), B.E. 2547.*

(3) Offences Relating to Sexuality as provided in Section 276, Section 280 and Section 285 only for the case relating to Section 276;

(4) Offences Against Life as provided in Sections 288 to 290;

(5) Offences Against Body as provided in Sections 295 to 298;

(6) Offences of Abandonment of Children, Sick or Aged Persons as provided in Sections 306 to 308;

(7) Offences Against Liberty as provided in Section 309, Section 310, Sections 312 to 315, and Sections 317 to 320;

(8) Offences of Theft and Snatching as provided in Sections 334 to 336;

(9) Offences of Extortion, Blackmail, Robbery and Gang-Robbery as provided in Sections 337 to 340;

(10) Offences of Cheating and Fraud as provided in Sections 341 to 344, Section 346 and Section 347;

(11) Offences of Criminal Misappropriation as provided in Sections 352 to 354;

(12) Offences of Receiving Stolen Property as provided in Section 357;

(13) Offences of Mischief as provided in Sections 358 to 360.

Section 9. Thai Government official commits the offence as prescribed from Section 147 to Section 166 and from Section 200 to Section 205 outside the Kingdom shall be punished in the Kingdom.

Section 10. Whoever to do an act outside the Kingdom, which is an offence according to various Sections as specified in Section 7 (2) and (3), Section 8 and Section 9 shall not be punished again in the Kingdom for the doing of such act, if:

(1) There be a final judgment of a foreign. Court acquitting such person; or

(2) There be a judgment of a foreign Court convicting such person, and such person has already passed over the punishment.

If the sentenced person has suffered the punishment for the doing of such act according to the judgment of the foreign Court, but such person has not yet passed over the punishment, the Court may inflict less punishment to any extent than that provided by the law for such offence, or may not inflict any punishment at all, by having regard to the punishment already suffered by such person.

Section 11. Whoever commits an offence within the Kingdom, or commits an offence deemed by this Code as being committed within the Kingdom, and, if such person has suffered the punishment in whole or in part for such act according to the judgment of the foreign Court, the Court may inflict less punishment to any extent than that provided by the law for such offence, or may not inflict any punishment at all, by having regard to the punishment already suffered by such person.

In case of a person, committing an offence within the Kingdom, or committing an offence deemed by this Code as being committed within the Kingdom, has been prosecuted in the foreign Court at the request of the Thai Government, such person shall not be punished again in the Kingdom for such offence, if:

- (1) There be a final judgment of the foreign Court acquitting such person; or
- (2) There be a judgment of the foreign Court convicting such person, and such person has already passed over the punishment.

Section 12. The measures of safety are applicable to any person only when there are provisions of law for their application, and the law to be applied shall be the law in force at the time when the Court passes judgment.

Section 13. If the provisions of the law as prescribed afterwards, any measure of safety has been repealed, and any person is still subjected such measure safety, the Court shall give the order repressing the application of such measure of safety when the file of a case appears to the Court, or when such person, legal representative of such person or guardian of such person or the Public Prosecutor makes the request.

Section 14. In case of any person is subject to any measure of safety, and the provisions of the law as provided afterwards modify the conditions for the application of such measure of safety with the result that it may not be applicable to the case of such person, or that it may be applicable, but the application of such measure of safety according to the provisions of the law as provided afterwards is more favorable to such person, the Court shall have the power to give order, as it thinks fit, when it appears to the Court from the file of the case, or when such person, the legal representative or guardian of such person, or the Public Prosecutor makes a request to the Court to revoke the application of such measure of safety, or makes a request to take the consequence according to the provisions of such law, as the case may be.

Section 15. Whenever, according to the provisions of the law as provided afterwards, any punishment has been changed to be a measure of safety, and there is a judgment inflicting such punishment on any person, it shall be deemed that the inflicted punishment is also a measure of safety.

In the case mentioned in the first paragraph, if the punishment is not yet inflicted upon such person, or such person is still undergoing the punishment, the measure of safety shall be applied to such person further. If, according to the provisions of the law as provided afterwards, there is any condition for giving order for the application of the measure of safety which may not be applicable to such person, or may be applicable but the application of the measure of safety according to the provisions of the law as provided afterwards is more favorable to such person, the Court shall have the power to give order, as it thinks fit, when it appears to the Court from the file of the case, or when such person, the legal representative or guardian of such person, or the Public Prosecutor makes a request to the Court to revoke the application of the measure of safety, or makes a request to take the consequence according to the provisions of such law, as the case may be.

Section 16. Whenever the Court gives judgment to apply a measure of safety to any person, if it appears afterwards to the Court from the submission of such person himself, the legal representative or guardian of such person, or the Public Prosecutor that the circumstances concerning the application have changed from formerly. the Court may revoke or suspend temporarily the application of the measure of safety to such person, as it thinks fit.

Section 17. The provisions in Book 1 of this Code shall be applied in the case of offence according to the other laws also, provided that such laws will have been prescribed otherwise.

### CHAPTER 3

#### PUNISHMENTS AND MEASURES OF SAFETY

##### PART 1

##### PUNISHMENTS

Section 18. Punishments for inflicting upon the offenders are as follows:

- (1) Death;
- (2) Imprisonment;
- (3) Confinement;
- (4) Fine;

(5) Forfeiture of property.

The capital punishment and life imprisonment shall be not enforced to offender less than eighteen years of age.

In case of offender less than eighteen years of age has committed the offence to be punished with death or imprisoned for life, the punishment, as aforesaid, shall be deemed as commuted as imprisoned for fifty years.

*Section 18, the second paragraph and the third paragraph, amended by Section 3 of the Act Amending the Criminal Code (No. 16), B.E 2546.*

Section 19. Whoever, punished with death, shall be proceeded by spraying an injection or toxin to be death.

The rule and procedure of execution shall go according to regulation designated by Ministry of Justice by its publication in the Government Gazette.

*Section 19 amended by Section 4 of the Act Amending the Criminal Code (No. 16), B.E. 2546.*

Section 20. All the offences as determined by the laws to be punished by both imprisonment and fine, if the Court deeming advisable will inflict the punishment of imprisonment only.

Section 21. In calculating the period of imprisonment, a day begun in imprisonment shall be included also and shall be counted for a whole day, irrespective of the number of hours.

If the period for calculation is determined in months, a month shall count for thirty days, and, if determined in years, it shall be calculated according to the official calendar.

Liberation shall take place on the day following that on which the period of imprisonment terminates.

Section 22. The punishment of imprisonment shall begin in the day on which the judgment is passed. But, if the sentenced person is kept in custody prior to the judgment of the Court, the number of days in custody shall be deducted from the period of imprisonment according to the judgment, unless the judgment provides otherwise.

In case of the judgment provides otherwise, the punishment of imprisonment according to the judgment, when added by the number of days in custody prior to the judgment of the Court in such case, shall not exceed the maximum rate of punishment as provided by the law for the committed offence. This shall not, however, affect the provisions of Section 91.

Section 23. Any person commits an offence punishable to be imprisoned, and in such case, the Court will inflict the punishment of imprisonment not exceed three months, if it does not appear that such person has received the punishment of imprisonment previously, or if it appears that such person has received the punishment of imprisonment previously but it is the punishment from the offence committed by negligence, or by a petty offence, the Court may inflict the punishment of confinement not out of three months on behalf of such punishment of imprisonment.

Section 24. Whoever to be under the detention shall be interned in the place for detaining designated by non-goal, police station, or the place superintending the inquiry official's alleged offender.

The Court may, if it thinks fit, order in the judgment to confine the offender in his own dwelling place, or in the dwelling place of another person who consents to accept him, or in any other place where he may be confined so as to be suitable to his kind or condition.

If it appears to the Court that the confinement of the detained person in the place to confine according to paragraph 1 or paragraph 2 may cause a danger to such person or make the person depending or him for subsistence excessive trouble or there is other exceptional circumstance shows that it is not advisable to detain the detained person in the place as aforesaid, the Court will issue an order to detain the detained person in other place but not such person's dwelling-house with consent of owner or occupier of the premises. In such case, the Court is empowered to designate any condition to detained any the condition to the detained person to practice, and if the owner or occupier of the premise as aforesaid consents, the Court may issue an order to appoint such person as controller and it shall be deemed that the appointed person is the government official according to this Code.

*Section 24, the third paragraph, amended by Section 4 of the Act Amending the Criminal Code (No.15), B.E. 2545.*

Section 25. A person inflicted with the punishment of confinement in a determined place shall receive maintenance from such place. But, subject to the regulations of the place, he is entitled to obtain food

from outside at his own expense, to use his own clothes, to receive visitors for at least one hour in a day and to receive and send letters.

A person inflicted with the punishment of confinement must work according to the rules, regulations and discipline. If he desires to do other work, he shall be permitted to select according to the category of work that he is willing to do, provided that it is not contrary to the rules, regulations, discipline or safety of such place.

Section 26. If the person punished by the confinement is confined in own dwelling place or in the dwelling place of the other person consenting to accept such person, such confined person is entitled to carry on own profession or occupation in the aforesaid place. For this purpose, the Court may determine the conditions to the confined person to do anything or not, as the Court deems expedient.

Section 27. If doing the detained person under Section 23 has been detained, it appears to the Court itself or it appears to the Court according to the statement of Public Prosecutor or occupier of the premise for detention that:

- (1) The detained person in violation of rule, regulation or discipline of the place for detention;
- (2) The detained person in non-fulfillment of the conditions designated by the Court;
- (3) The detained person to be adjudged to inflict the imprisonment.

The Court may change the detention into imprisonment with the terms designated as the Court deems expedient, but it must be not out of the time designated by detention which the detained person must receive thenceforward.

*Section 27 amended by Section 5 of the Act Amending the Criminal Code (No. 15), B.E. 2545.*

Section 28. Any person has inflicted with the punishment of fine, such person must pay the money-mouth as determined by the judgment to the Court.

Section 29. If any person inflicted with the punishment of fine fails to pay the fine within thirty days as from the day on which the Court has passed judgment, the property of such person shall be seized to pay for the fine, or else such person shall be confined in lieu of fine. But, if the Court has reasonable cause to suspect that such person is likely to evade the payment of the fine, the Court may order such person to find security, or may order such person to be confined in lieu of fine in the near time.

The provisions in the second paragraph of Section 24 shall not apply to the confinement in lieu of fine.

Section 30. In case of the detention on behalf of fine, it shall be taken hold of rate of two hundred Baht per one day, and irrespective of whether one offence or several offences, it is prohibited the detention in excess of one year period unless in case of the Court gives a judgment on fine as from eight ten thousands Baht upwards, the Court will issue an order to detain on behalf of fine as the period of time in excess of one year but not out of two years.

In calculation of period of the time the date beginning detention on behalf of fine shall be calculated together, and the full day shall be calculated without into consideration of hour amount.

In case of the fined person to be detained before the Court's trial, the day amount when one person to be detained shall be deducted from the fined money amount which is deemed the rate of two hundreds Baht per one day, unless such person is adjudged and inflicted both imprisonment and fine. In such ease, if the day amount, when one person to be detained, must be deducted from the time, when one person imprisoned, under Section 22, it shall be deducted before, the rest amount is deducted from fine. When the fined person has been detained on behalf of fine to be due, that person shall be released on the date following the date terminated, if the fine has been paid plenary, one shall be released without delay.

*Section 30 amended by Section 6 of the Act Amending the Criminal Code (No. 15), B.E. 2545.*

Section 30/1. In case of the Court passes a judgment of fine not out of eight ten thousands Baht, the fined person is not juristic person and has not the fine, one may file a petition with the Court of First Instance to try a case for asking and performing special service or public service on behalf of fine.

In hearing a petition according to the first paragraph, when the court has tried to money condition. Past record, nature of the offence of the fined person, it is deemed advisable, the Court will issue an order to such person performing social service or public service on behalf of the fine, but all these, subject to probation officer, State's authority, State's work-unit, or Organization to have the object performing Social Service, public charity or public benefit consenting to take care of one.



In case of the Court issuing an order to the fined person to perform Social Service or public benefit on behalf of the fine, the Court shall designate the nature or kind of work, person taking care of work, date beginning work, period of work and hour amount deemed as one day work, but all these, by taking into consideration of sex, age, past record, religion, behavior, intelligence, education, health, mind-condition, temperament, occupation, envelopment or the fined person's offence-condition together, and Court will designate any condition to the fined person to perform for amending, renewing or protecting such person from committing offence again.

If after that, it appears to the Court that the circumstance in respect of Social Service work or Public Interest Work of the fined person changed, the Court will change an order designated as deemed advisable.

In determination of period of the hour time on behalf of the fine according to paragraph 3. the provision of Section 30 shall be enforced mutatis mutandis and in case of the Court does not designate the fined person to work thenceforward, the said work must be within the period of two years as from the date beginning work designated by the Court.

On behalf of determination of hour time according to paragraph 3, President of the Supreme Court shall be empowered in issuing a judiciary government rule of Court of Justice determining an hour amount deemed as one clay-work for Social Service or Public Interest each kind as deemed advisable.

*Section 30/1 amended by Section 7 of the Act Amending the Criminal Code (No.15), B.E. 2545.*

Section 30/2. If afterwards, the Court issues an order granting the permission under Section 30/1, it appears to the Court itself or according to prosecutor or official's statement that the fined person has enough money to pay the fine, in the time to file a petition under Section 30/1 or violates or not to perform according to an order or a condition designated by the Court, the Court will revoke an order premising as aforesaid and fine or detain on behalf of the fine by deducting work day amount from fined money amount.

In the period of Social Service or Public Interest on behalf of the fine, if the fined person does not desire to the said word thenceforward, it may be changed as the fine or detention on behalf of the fine. In this case, the Court shall issue an order premising according to petition by deducting a workday amount from the fined money amount.

*Section 30/2 amended by Section 7 of the Act Amending the Criminal Code (No.15), B.E. 2545.*

Section 30/3. The Court's order under Section 30/1 and Section 30/2 shall come into an end.

*Section 30/3 amended by Section 7 of the Act Amending the Criminal Code (No.15), B.E. 2545.*

Section 31. In case of the Court shall pass judgment inflicting the punishment of fine on several offenders for the same offence and in the same case, the Court shall inflict the punishment of fine on every individual offender.

Section 32. Any property is prescribed by the law that any person makes or processes to be an offence, such property shall be forfeited wholly, irrespective of whether it belongs to the offender and there is the person inflicted with the punishment according to judgment or not.

Section 33. For the forfeiture of a property, the Court shall, besides having the power to forfeit under the law as specially provided for that purpose, have the power to forfeit the following properties also, namely:

- (1) A property used or possessed for use in the commission of an offence by a person; or
- (2) A property acquired by a person through the commission of an offence.

Unless such property belongs to the other person who does not connive at the commission of the offence.

Section 34. All properties:

- (1) Which have been given under Section 143, Section 144, Section 149, Section 150, Section 167, Section 201 or Section 202; or
- (2) Which have been given in order to induce a person to commit an offence, or as a reward to a person for committing an offence, shall be forfeited wholly, unless those properties belong to the other person who does not connive at the commission of the offence.

Section 35. The properties forfeited by the Court's judgment shall be vested in the State, the Court may give judgment such properties to be rendered useless, or to be destroyed.

Section 36. In case of the Court has already given order for the forfeiture of the properties according to Section 33 or Section 34, if it appears afterwards by the submission of the real owner that he has not connived at the commission of such offence, the Court shall give order for the return of the properties if such properties are still in the possession of the official. But the submission of the real owner shall be made to the Court within one year reckoning from the day of the final judgment.

Section 37. If the person who is ordered by the Court to deliver the forfeited property does not deliver it within the time determined by the Court, the Court shall have the power to give order as follows:

- (1) To seize such property;
  - (2) To pay its value, or to seize other property of such person to compensate for its value in full;
- or

(3) In case of the Court is of opinion that such person can deliver the property ordered to be delivered, but does not deliver it, or such person can pay its value, but does not pay, the Court shall have the power to confine such person until such person complies with the order, but the period of confinement shall not exceed one year. But, if, afterwards, it appears to the Court itself or by the submission of such person that such person cannot deliver the property or pay its value, the Court may give order to release such person before the expiration of such period.

Section 38. The punishment shall terminate on the death of the offender.

## PART 2

### MEASURES OF SAFETY

Section 39. The measures of safety are as follows:

- (1) Relegation;
- (2) Prohibition to enter a specified area;
- (3) To execute a bond with security for keeping the peace;
- (4) To restraint in an institution of treatment;
- (5) Prohibition to exercise certain occupation.

Section 40. The relegation is to superintend the habitual offender within the specified area for preventing such offender from committing the offence, for reforming one's character, and for training one's occupation.

Section 41. Any person who has been sentenced to relegation, or has been sentenced to imprisonment of not less than six months for not less than twice, for the following offences:

- (1) Offences Relating to Public Peace as provided in Sections 209 to 216;
- (2) Offences Relating to Causing Public Dangers as provided in Sections 217 to 224;
- (3) Offences Relating to Currencies as provided in Sections 240 to 246;
- (4) Offences Relating to Sexuality as provided in Sections 276 to 286;
- (5) Offences Causing Death as provided in Sections 288 to 290, and Sections 292 to 294;
- (6) Offences Against Body as provided in Sections 295 to 299;
- (7) Offences Against Liberty as provided in Sections 309 to 320;
- (8) Offences Against Properties as provided in Sections 334 to 340, Section 354 and Section 357;

and, within ten years from the day of having passed over the relegation or the punishment, as the case may be, such person commits any of such specified offences again so that the Court sentences such person to imprisonment of not less than six months for such offence, the Court may regard such person as a habitual criminal and may sentence such person to relegation for not less than three years and not more than ten years.

The offence committed by an offender at the time when such offender is not yet over seventeen years of age shall not be deemed as an offence to be taken into consideration for relegation according to this Section.

Section 42. In calculating the period of relegation, the day of passing judgment by the Court shall count as the day on which relegation begins, but if there is still the punishment of imprisonment or confinement of be undergone by the relegated person, such relegated person shall be imprisoned or confined first, and the day following that on which liberation from imprisonment or confinement takes place shall count as the day on which relegation begins.

Regarding the period of relegation and the liberation of the relegated person, the provisions of Section 21 shall apply *mutatis mutandis*.

Section 43. To prosecute for relegation shall be made as the exclusive power of Public Prosecutor, and such relegation prosecution may be requested together with the case-prosecution to be empowered to prosecute the relegation or such relegation-prosecution may be made afterwards.

Section 44. Prohibition to enter a specified area is the prohibition to enter a locality or place specified in the judgment.

Section 45. When any person is given judgment inflicting punishment by the Court, and the Court deems expedient to public safety, the Court may, whether there is a request or not, issue the order in that judgment that when such person has passed over the punishment according to the judgment, such person shall be prohibited to enter the specified area for the period not out of five years.

Section 46. If it appears to the Court, by the submission of the Public Prosecutor, that any person is likely to cause danger to another person or to the property belonging to another person, or if, in the trial of any case, the Court will not convict the prosecuted person, but there is reason to believe that the prosecuted person is likely to cause danger to another person or to the property belonging to another person, the Court shall have the power to order such person to execute a bond in a sum of money not exceeding five thousand Baht, with or without security, for keeping the peace during such period as determined by the Court, but not exceeding two years.

If such person refuses to execute a bond, or cannot furnish security, the Court shall have the power to order such person to be confined until such person executes the bond or furnishes security, but such person shall not be confined for more than six months, or the Court may give order prohibiting such person to enter a specified area according to Section 45.

The acts of a child not over seventeen years of age shall not be subject to the provisions of this Section.

Section 47. If the person making a bond according to Section 46 breaks such bond, the Court shall be empowered to order the person to pay the money not out of the amount determined in the bond. If such person does not pay, the provisions of Section 29 and Section 30 shall be enforced.

Section 48. If the Court is of opinion that the liberation of any person having a defective mind, mental disease or mental infirmity, who is not punishable, or whose punishment is reduced according to Section 65, will not be safe for the public, the Court may give order to send such person to be put under restraint in an institution of treatment. This order may, however, be revoked at any time by the Court.

Section 49. In case of the Court passes the judgment inflicting the punishment of imprisonment on any person, or passes judgment that any person is guilty, but the determination of punishment or the infliction of punishment is suspended, the Court may, if it is of opinion that such person has committed the offence owing to habitual drunkenness or harmful habit forming drug addiction, determine in the judgment that such person shall not take liquor or harmful habit forming drug, or both of them within a period not exceeding two years as from the day of passing over the punishment, or the day of liberation on account of the suspension of the determination of punishment or the infliction of punishment.

In case of the person mentioned in the first paragraph fails to comply with what is determined by the Court, the Court may give order to send such person to be put under restraint in an institution of treatment for a period of not exceeding two years.

Section 50. When any person is given judgment inflicting punishment by the Court, and if the Court deems that the offence committed by such person taking the opportunity of carrying on own occupation or profession, and deems that such offence will be committed again by such person if such person carries on own occupation or profession further, the Court may issue an order in the judgment prohibiting such person to carry on own occupation or profession for a period not out of five years as from the date of passing over the punishment.

### PART 3

#### INCREASE, REDUCTION AND SUSPENSION OF PUNISHMENT

Section 51. In increasing the punishment, it shall not be increased up to the punishment of death, imprisonment for life or imprisonment exceeding fifty years.

*Section 51 amended by the Article 1 of the Decree (No. 11) of the National Executive Council and last, by Section 3 of the Criminal Code Amendment Act (No. 6), B.E. 2526.*

Section 52. In reducing the punishment of death, whether it be the reduction in the scale of punishment or in the punishment to be inflicted, it shall be reduced as follows:

(1) If the reduction be by one-third, the punishment shall be reduced to imprisonment for life;

(2) If the reduction be by one-half, the punishment shall be reduced to imprisonment for life or imprisonment of twenty-five to fifty years.

*Section 52 amended by the Article 1 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 53. In having life imprisonment reduced, whether the punishment will be reduced in the punishment scale or in the inflicted punishment, the life imprisonment shall be transferred as five year imprisonment.

*Section 53 amended by the Article 1 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 54. In calculating the increase or reduction of the punishment to be inflicted, the Court shall determine the punishment to be inflicted upon the accused first, and then the punishment shall be increased or reduced. If there are both increase and reduction of the punishment to be inflicted, the punishment shall be increased first and the reduced from the result of the addition. If the proportion of the increase is equal to or more than that of the reduction, the Court may, if it thinks fit, not increase or not reduce the punishment.

Section 55. If the imprisonment, of which the offender must be inflicted, is only for three months or less, the less imprisonment may be determined by the Court or if the offender to be inflicted by imprisonment is only for three months or less, and to have the fine also, the less imprisonment may be determined by the Court, or such imprisonment may be repealed and only fine may still be made.

Section 56. Whoever commits offence of imprisonment, and in such case, the Court will imprison not exceeding three years, if it does not appear that such person has been imprisoned before, or it appears that one has been imprisoned before, but it is punishment for offence committed by negligence or petty offence, when the Court has taken into consideration of sex, age, past record, religion, behavior, intelligence, education, health, mind-condition, temperament, occupation and envelopment of such person or the fined person's offence-condition or other extenuating circumstance, it deems advisable, the Court will trial that such person has an offence but suspension of the determination of punishment or designates the punishment but the suspension of the in friction of punishment and then one is released for giving the time to such person reforming oneself within the period designated by the Court, but it must be not out of five year as from the date of the Court has passed a judgment and it will be designated by the condition for controlling such person's behavior or not.

*Section 56, the first paragraph, amended by Section 8 of the Act Amending the Criminal Code (No. 15), B.E. 2545.*

Regarding the conditions for controlling the behavior of the offender, the Court may determine one or more conditions as follows:

(1) To report himself to the official specified by the court from time to time so that the official may make inquiries, give advice, assistance or admonition on the behavior and carrying on occupation, or arrange the activity to be done for the social service or the public benefit, as the official and offender think fit;

(2) To be trained or to carry on occupation substantially;

(3) To refrain from going into the society or from any behavior which may lead to the commission of the similar offence again;

(4) To take the offender to receive the assuagement and cure of the harmfully habit forming drugs, defective body or mind, or the other illness at the place and the period of time as determined by the Court;

(5) The other conditions are determined by the Court, as it thinks fit, in order to rectify, resuscitate or protect the offender to be not commit the offence or not having the occasion for committing the offence again.

*The provision of the second paragraph of Section 56 amended by Section 3 of the Act Amending the Criminal Code (No. 10), B.E. 2532.*

Regarding the conditions determined by the Court according to the foregoing paragraph, if, afterwards, it appears to the Court from the submission of the offender, the legal representative or guardian of such person, the Public Prosecutor or the official that the circumstances relating to the control of the behavior of the offender have changed, the Court may, if it thinks fit, modify, supplement or revoke any of the

conditions, or may determine in addition any of the conditions as mentioned in the foregoing paragraph which is not yet determined.

Section 57. When it is appeared to the Court itself, or it is appeared from the statement of the Public Prosecutor or the official that the offender does not comply with the conditions as determined by the Court according to Section 56, the offender may be admonished by the Court, or the punishment which is not yet determined by the Court, or the suspended punishment may be inflicted.

Section 58. Whenever it appears to the Court, or from the statement of the prosecutor or the official that, within the period of time determined by the Court according to Section 56, the sentenced person has committed an offence which is not an offence committed by negligence or a petty offence, and the Court passes judgment inflicting the punishment of imprisonment for such offence, the Court passing judgment in the latter case shall determine the punishment not yet determined in the former case and add it to the punishment in the latter case, or shall add the punishment of the infliction of which has been suspended in the former case to the punishment in the latter case, as the case may be.

*The provision of the first paragraph of Section 58 amended by Section 4 of the Act Amending the Criminal Code (No.10), B.E.2532.*

But if, within the period of time determined by the Court according to Section 56, such person has not committed an offence as mentioned in the first paragraph, such person shall pass from having the punishment determined or from being inflicted with the punishment in that case, as the case may be.

#### CHAPTER 4

#### CRIMINAL LIABILITY

Section 59. A person shall be criminally liable only when such person commits an act intentionally, except in case of the law provides that such person must be liable when such person commits an act by negligence, or except in case of the law clearly provides that such person must be liable even though such person commits an act unintentionally.

To commit an act intentionally is to do an act consciously and at the same time the doer desired or could have foreseen the effect of such doing.

If the doer does not know the facts constituting the elements of the offence, it cannot be deemed that the doer desired or could have foreseen the effect of such doing.

To commit an act by negligence is to commit an offence unintentionally but without exercising such care as might be expected from a person under such condition and circumstances, and the doer could exercise such care but did not do so sufficiently.

An act shall also include any consequence brought about by the omission to do an act which must be done in order to prevent such consequence.

Section 60. Whenever any person intends to commit an act against a person, but the effect of the doing of such act occurs to another person through a slip, it shall be deemed that such person intentionally commits such act against the person who suffers from the bad effect of such doing. But, in case of the law provides for the infliction of heavier punishment on account of individual status or the relation between the doer and the person suffering from the bad effect, such law shall not be applied so as to inflict the heavier punishment on the doer.

Section 61. Whenever any person intends to commit an act against a person, but commits such act against another person by mistake, such person may not raise the mistake as an excuse that such person did not intentionally commit such act.

Section 62. Whenever any fact, if really existing, will cause the doing of any act not to be an offence, or the doer not to be punishable, or to receive less punishment, and even though such fact does not really exist, but the doer understands mistakenly that it really exists, the doer shall not be guilty, or shall be exempted from the punishment, or shall receive less punishment, as the case may be.

If ignorance of fact according to the third paragraph of Section 59, or the mistake as to the existence of fact according to the first paragraph has occurred through the negligence of the offender, the doer shall be liable for committing the offence by negligence in case of the law specifically provides that the doer shall be criminally liable for the act though committed by negligence.

A person shall receive heavier punishment on account of any fact only when such person must have known of such fact.

Section 63. If the effect of the commission of any offence causes the doer to receive heavier punishment, such effect must be that which may ordinarily occur.

Section 64. The person shall not be excused from the criminal liability committed by ignorance of law. But, if the Court deems that, according to the conditions and circumstances, the offender may not have known that the law has been prescribed that such act to be an offence, the evidence may be allowed by the Court in order to such person to produce before the Court, and if the doer, whom the Court believes that, does not know that the law has be so provided, the Court may inflict less punishment to any extent than that prescribed by the law for such offence.

Section 65. Whenever any person commits an offence at the time of not being able to appreciate the nature, or illegality of his act or not being able to control himself on account of defective mind, mental disease or mental infirmity, such person shall not be punished for such offence.

But, if the offender is still partially able to appreciate the nature or illegality of his act, or is still partially able to control himself, such person shall be punished for such offence, but the Court may inflict less punishment to any extent than that provided by the law for such offence.

Section 66. Intoxication on account of taking liquor or any other intoxicant may not be raised as an excuse under Section 65, except where such intoxication is caused without the knowledge or against the will of the offender, and such person has committed the offence at the time of not being able to appreciate the nature of illegality of his act or not being able to control himself, the offender shall then be exempted from the punishment for such offence. But, if such person is still partially able to appreciate the nature or illegality of his act, or is still partially able to control himself, the Court may inflict less punishment to any extent than that provided by the law for such offence.

Section 67. Any person shall not be punished for committing any offence on account of necessity:

(1) When such person is under compulsion or under the influence of a force such that such person cannot avoid or resist; or

(2) When such person acts in order to make himself or another person to escape from an imminent danger which could not be avoided by any other means, and which such person did not cause to exist through his own fault.

Provided that no more is done than is reasonably necessary under the circumstances.

Section 68. Any person is to commit any act for defending his own right or other person's right in order to except from a danger arising out of violence tortuous to the law and such danger to be imminent, if reasonably having committed under the circumstance, such act is a lawful defense, and such person shall not have a quilt.

Section 69. In the cases as provided in Sections 67 and 68, if the act committed is in excess of what is reasonable under the circumstances or in excess of what is necessary, or in excess of what is necessary for the defense, the Court may inflict less punishment to any extent than that provided by the law for such offence. But, if such act occurs out of excitement, fright or fear, the Court may not inflict any punishment at all.

Section 70. Any person does an act done in accordance with the order of an official, even though such order is unlawful, if such doer has the duty or believes in good faith that having the duty to comply with such order, that person shall not punished, unless that person Knows that such order is unlawful.

Section 71. If the offences as provided in Sections 334 to 336, first paragraph, and Sections 341 to 364 are committed by a husband against his wife, or by a wife against her husband, the offender shall not be punished.

If the aforesaid offences are committed by an ascendant against his descendant, or by a descendant against his ascendant, or by a brother or sister of the same parents against each other, the offences shall, even though not provided by the law as compoundable offences, be deemed as compoundable offences. Moreover, the Court may inflict less punishment to any extent than that provided by the law for such offences.

Section 72. Any person to be hot blooded by being maltreated seriously by unjust cause comes to commit an offence against the maltreating person at that time, the Court may inflict the punishment upon such person any less than punishment as prescribed by the law for such offence.

Section 73. A child not yet over seven years of age shall not be punished for committing what is provided by the law to be an offence.

Section 74. Whenever a child over seven years but not yet over fourteen years of age commits what is provided by the law to be an offence, he shall not be punished, but the Court shall have the power as follows:

(1) To admonish the child and then discharge him ; and the Court may, if it thinks fit, summon the parents or guardian of the child or the person with whom the child is residing to be given an admonition too;

(2) If the Court is of opinion that the parents or guardian are able to take care of the child, the Court may give order to hand over the child to his parents or guardian by imposing the stipulation that the parents or guardian shall take care that the child does not cause any harm throughout the time prescribed by the Court, but not exceeding three years, and fixing a sum of money, as it thinks fit, which the parents or guardian shall have to pay to the Court, but not exceeding one thousand Baht for each time when such child causes harm;

If the child resides with a person other than his parents or guardian, and the Court does not think fit to summon the parents or guardian to impose the aforesaid stipulation, the Court may summon the person with whom the child resides for questioning as to whether or not he will accept the stipulation similar to that prescribed for the parents or guardian as aforesaid. If the person with whom such child resides consents to accept such stipulation, the Court shall give order to hand over the child to such person by imposing the aforesaid stipulation;

(3) In case of the Court hands over the child to his parents, guardian or to the person with whom the child resides according to (2), the Court may determine the conditions for controlling behavior of the child in the same manner as provided in Section 56 also. In such case, the Court shall appoint a probation officer or any other official to control behavior of the child;

(4) If the child has no parents or guardian, or has them but the Court is of opinion that they are unable to take care of such child, or if the child resides with a person other than the parents or guardian, and such person refuses to accept the stipulation mentioned in (2), the Court may give order to hand over such child to a person or organization, as the Court thinks fit, to take care of, to train and to give instruction throughout the period of time prescribed by the Court when consented to by such person or organization. in such case, such person or organization shall have the same power as that of the guardian only for the purpose of taking care of, training and giving instruction as well as determining the residence and making arrangement for the work to be done by the child, as may be reasonable; or

(5) To send such child to a school or place of training and instruction or a place established for training and giving instruction to children throughout the period of time prescribed by the Court but not longer than the time when such child shall have completed eighteen years of age.

As to the orders of the Court mentioned in (2), (3), (4) and (5), if, at any time within the period of time prescribed by the Court, it appears to the Court itself, or it appears from the submission of the interested person, the Public Prosecutor, or the person or the organization to whom or which the Court has handed over the child for taking care of, training and giving instruction, or the official that the circumstances relating to such order have changed, the Court shall have the power to modify such order or to give a new order according to the power vested by this Section.

Section 75. Whenever any person over fourteen years but not yet over seventeen years of age commits any act provided by the law to be an offence, the Court shall take into account the sense of responsibility and all other things concerning such person in order to come to decision as to whether it is expedient to pass judgment inflicting punishment on such person or not. If the Court does not deem it expedient to pass judgment inflicting punishment, it shall proceed according to Section 74, or if the Court deems it expedient to pass judgment inflicting punishment, it shall reduce the scale of punishment as provided for such offence by one-half.

Section 76. Any person out of seventeen years but not out of twenty years of age commits an act as prescribed by the law to be an offence, if the Court to deem expedient may reduce the scale of the punishment as provided for such offence by one-third or a half.

Section 77. In case of the Court imposes a stipulation requiring the parents, guardian or the person with whom such child resides to take care that such child does not cause any harm according to Section 74 (2), if such child causes any harm within the prescribed time, the Court has the power to compel the parents, guardian or the person with whom such child resides to pay a sum of money not exceeding that

determined in such stipulation within the time as the Court thinks fit. If the parents, guardian or the person with whom such child resides fail to pay the sum of money, the Court may give order to seize the property of the parents, guardian or the person with whom such child resides for payment of what must be paid.

In case of the Court compels the parents, guardian or the person with whom such child resides to pay the sum of money according to such stipulation, if the Court does not modify the order imposing such stipulation according to the last paragraph of Section 74 to be otherwise, such stipulation shall remain in force further until the period of time prescribed in such stipulation terminates.

Section 78. Whenever it appears that there exists an extenuating circumstance, whether or not there be an increase or reduction of the punishment according to the provisions of this Code or the other law, the Court may, if it thinks fit, reduce the punishment to be inflicted on the offender by not more than one-half.

Extenuating circumstances may include lack of intelligence, serious distress, previous good conduct, the repentance and the efforts made by the offender to minimize the injurious consequence of the offence, voluntary surrender to an official, the information given or the Court for the benefit of the trial, or the other circumstance which the Court considers to be of similar nature.

Section 79. In the case having offence to be punished with fine only, if the person alleged as having committed an offence pays the fine in the maximum rate for such offence before the Court commences to take the evidence, the case shall be lapsed.

#### CHAPTER 5 OF COMMITMENT

Section 80. Whoever commences to commit an offence, but does not carry it through, or carries it through, but does not achieve its end, is said to attempt to commit an offence.

Whoever attempts to commit an offence shall be liable to two-thirds of the punishment as provided by the law for such offence.

Section 81. Whoever commences and commits the offence, but does not commit it through, or commits it through, but does not achieve its a good result, such person in said to attempts and commits an offence.

The offence is attempted to commit by whoever, such person shall be punished two-thirds of punishment as prescribed by the law for such offence.

If the act mentioned in the first paragraph is done on account of blind belief, the Court may not inflict the punishment.

Section 82. Whoever attempts to commit an offence, but, on his own accord, desists from carrying it through, or changes his mind and prevents the act from achieving its end, shall not be punished for such attempt to commit the offence. But, if what he has already done comes under the provisions of law as an offence, he shall be punished for such offence.

#### CHAPTER 6 PRINCIPALS AND SUPPORTERS

Section 83. In case of any offence is accrued by commission of the person as from two persons upwards, such accomplices deemed to be principals shall be punished as provided by the law for such offence.

Section 84. Whoever, whether by employment, compulsion, threat, hire, asking as favor or instigation, or by any other means, causes another person to commit any offence is said to be an instigator.

If the employed person commits the offence, the instigator shall receive the punishment as principal. If the offence is not committed, whether it be that the employed person does not consent to commit, or has not yet committed, or on account of any ether reason, the instigator shall be liable to only one-third of the punishment provided for such offence.

Section 85. Whoever propagates or publishes to the general public to commit an offence and such offence being punishable with imprisonment of not less than six months, shall be liable to one-half of the punishment provided for such offence.

If the offence is committed on account of the propagation or publication according to the first paragraph, the person who made such propagation or publication shall be liable to the punishment as principal.

Section 86. Whoever does for any reason whatsoever as assist or facility to any other person committing an offence before or late time of committing the offence, even though such assistance or facility is not



known by the offender, such assistant deemed to be supporter in committing such offence shall be punished by two-thirds of the punishment as provided for such offence.

Section 87. In case of an offence is committed on account of having a person to employ an another person to commit the offence according to Section 84, or on account of having a person to propagate or publish to the general public to commit the offence according to Section 85, or by having the supporter according to Section 86, if the offence occurred is committed by the offender beyond the scope of the employment, propagation or publication, or in excess of the intention of the supporter, the instigator, the person making the propagation or publication to the general public to commit the offence, or the supporter to commit the offence, as the case may be, shall be criminally liable for the offence only in so far as it is within the scope of the employment, propagation or publication, or within the scope of the intention of the supporter to commit the offence only. But, by circumstances, if it may be foreseen that such offence may occur from the employment, propagation or publication, or support, the instigator, the person making the propagation or publication to the general public to commit the offence, or the supporter to commit the offence, as the case may be, shall be criminally liable for the offence occurred. In case of the employed person, the person doing according to the propagation or publication to the general public to commit an offence, or the principal in the offence shall be criminally liable for higher punishment on account of the consequence resulting from the commission of the offence, the instigator, the person making the propagation or publication to the general public to commit the offence, or the supporter to commit the offence, as the case may be, shall be also criminally liable for the offence having such higher punishment. But, by the nature of the offence, if the offender shall be criminally liable for higher punishment only when the offender must know or could foresee that such consequence would occur, the instigator, the person making the propagation or publication to the general public to commit the offence, or the supporter to commit the offence shall be criminally liable for the offence having higher punishment only when he has known or could have foreseen that such consequence would occur.

Section 88. If the offence for which there is employment, propagation or publication to the general public to commit the offence or support is carried out up to the stage of commencement, but, on account of the intervention of the instigator, the person making the propagation or publication, or the supporter, it cannot be carried through, or it is carried through, but it does not achieve its end, the instigator or the person making the propagation or publication shall be liable only for what is provided in Section 84, second paragraph, or Section 85, first paragraph, as the case may be, while the supporter shall not be liable to punishment.

Section 89. If there are the circumstance personal to any offender so as to excluded, reduce or increase the punishment, such circumstances personal shall not be applied to any other offender for committing such offence. But the circumstances so as to exclude, reduce or increase the punishment as circumstances relating to the nature of the offence, it shall be applied to every offender involving the commission of the offence.

## CHAPTER 7

### CONCURRENCE OF OFFENCES

Section 90. When any act is one and the same act violating several provisions of the law having the severest punishment shall be applied to inflict the punishment upon the offender.

Section 91. If it appears that any offender has committed the several distinct and different offences, the Court may inflict upon such offender the punishment prescribed for each offence. But, whether there shall be increase of the punishment, reduction of the punishment or reduction in the scale of the punishment, or not, the total punishment of every offence must not exceed the following determination:

- (1) Ten years in case of the severest offence to have the rate of the maximum punishment of imprisonment not exceeding three years;
- (2) Twenty years in case of the severest offence to have the rate of the maximum punishment of imprisonment exceeding three years upwards, but not more than ten years;
- (3) Fifty years in case of the severest offence to have the rate of the maximum punishment of imprisonment exceeding ten years upwards, unless in the case where the Court inflicts upon the offender the punishment of imprisonment for life.

*Section 91 amended by Article 2 of the Decree of the National Executive Council (No. 11) and last, by Section 4 of the Act Amending the Criminal Code (No. 6), B.E. 2526.*

#### CHAPTER 8

##### RECIDIVE

Section 92. If whoever, having been adjudged finally to be convicted by imprisonment, has committed any subsequent offence during the time still having to undergo the punishment, or within five years as from the date of passing the punishment, if the Court will sentence for the subsequent offence to be imprisoned, the Court shall increase the punishment to be inflicted upon such person by one-third of the punishment as prescribed by the Court for the subsequent offence.

Section 93. Whoever, having been convicted of a prior offence by a final judgment, commits any subsequent offence as specified in the following sub-sections during the time he still has to undergo the punishment, or within three years as from the date of passing the punishment, both the prior and subsequent offences falling under the same sub-section, and if the Court is to inflict the punishment of imprisonment for the subsequent offence, the punishment to be inflicted upon him shall, if the punishment inflicted by the judgment for the prior offence was imprisonment of not less than six months, be increased by one-half of the punishment imposed upon him by the Court for the subsequent offence:

- (1) Offences Relating to the Security of the Kingdom as provided in Sections 107 to 135;
- (2) Offences against Officials as provided in Sections 136 to 146;
- (3) Malfeasance in Office as provided in Sections 147 to 166;
- (4) Offences Against Judicial Officials as provided in Sections 167 to 192 and Section 194;
- (5) Malfeasance in Judicial Office as provided in Sections 200 to 204;
- (6) Offences Relating to Public Peace as provided in Sections 209 to 216;
- (7) Offences Relating to Causing Public Dangers as provided in Sections 217 to 224, Sections 226 to 234, and Sections 236 to 238;
- (8) Offences Relating to Currency as provided in Sections 240 to 249, and Offences Relating to Seals, Stamps and Tickets as provided in Sections 250 to 261, and Offences Relating to Documents as provided in Sections 264 to 269;
- (9) Offences Relating to Trade as provided in Sections 270 to 275;
- (10) Offences Relating to Sexuality as provided in Sections 276 to 285;
- (11) Offences Against Life as provided in Sections 288 to 290 and Section 294, Offences Against Body as provided in Sections 295 to 299, Offences Relating to Abortion as provided in Sections 301 to 303, and Offences Relating to Abandonment of Children, Sick Persons or Aged Persons as provided in Sections 306 to 308;
- (12) Offences Against Liberty as provided in Section 309, Section 310 and Sections 312 to 320;
- (13) Offences Against Property as provided in Sections 334 to 365.

Section 94. The offence committed by negligence, petty offence and offence committed by the offender while not to be over seventeen years of age, irrespective of whether the prior offence or the subsequent offence, shall not be deemed as the offence so as to increase the punishment under the provisions of this Chapter.

#### CHAPTER 9

##### PRESCRIPTION

Section 95. In a criminal case, if the offender is not prosecuted and brought to the Court within the following specified periods of time as from the date of the commission of the offence, the prosecution shall be precluded by prescription:

- (1) Twenty years in case of offences punishable with death, imprisonment for life or imprisonment of twenty years;
- (2) Fifteen years in case of offences punishable with imprisonment of over seven years but not up to twenty years;
- (3) Ten years in case of offences punishable with imprisonment of over one year up to seven years;
- (4) Five years in case of offences punishable with imprisonment of over one month up to one year;
- (5) One year in the case of offences punishable with imprisonment of one month downwards or other punishment.

If the offender has been prosecuted and brought to the Court, but the offender escapes, or is insane, and the Court gives order suspending the trial till the specified period has expired reckoning from the date of escape, or the date of giving order suspending the trial, it shall be deemed that prosecution be likewise precluded by prescription.

Section 96. Subject to Section 95, in case of compoundable offence, if the injured person does not lodge a complaint within three months as from the date of offence and offender to be known by the injured person, the criminal prosecution is precluded by prescription.

Section 97. In a prosecution for relegation, if it is to be made after the prosecution of the case which is the basis giving rise to the power of prosecution for relegation, it must be made within six months reckoning from the day of prosecution of such case, otherwise it shall be precluded by prescription.

Section 98. If any person, convicted by the final judgment, has not yet undergone the punishment, or has not completely undergone the punishment on account of having made an escape, and such person is not brought to undergo the punishment till the following periods of time reckoning from the day of the final judgment, or the day on which the offender has made the escape, as the case may be, the execution of punishment shall be precluded by prescription, and the punishment shall not be inflicted upon such person:

- (1) After twenty years in case of a sentence to death, to imprisonment for life or to imprisonment of twenty years;
- (2) After fifteen years in case of a sentence to imprisonment of over seven years but not up to twenty years;
- (3) After ten years in case of a sentence to imprisonment of over one year up to seven years;
- (4) After five years in case of a sentence to imprisonment of one year downwards or any other punishment.

Section 99. If the seizure of property paying the fine or confinement in lieu of fine has been made within five years as from the date of final judgment, neither seizure of property nor confinement shall be unable to make.

The provisions of the first paragraph shall not be enforced to the case of confinement in lieu of fine as made continuously with the infliction of imprisonment.

Section 100. If any person relegated by the final judgment has not under-gone relegation, or has not completely undergone relegation on account of having made an escape, and the period of three years has expired reckoning from the day of passing the punishment by having undergone the punishment according to the judgment or by having the execution of punishment precluded by prescription, or from the day when such person made an escape during the time of relegation, the relegation shall be precluded, and such person shall not be relegated.

Section 101. If the execution of the order of the Court according to Section 46, or the request to the Court to make an order for payment of money when the person executing the bond breaks the bond according to Section 47 is not made within two years reckoning from the day when the Court gave the order, or from the day when the person executing the bond broke the bond, the execution or request shall not be made.

## TITLE II

### PROVISIONS APPLICABLE TO PETTY OFFENCES

Section 102. The petty offence is the offence which shall be punished by imprisonment not out of one month or fine not out of one thousand Baht, or both imprisonment and fine as aforesaid together.

Section 103. The provisions of Title I, excepting those provided in the three following Sections, shall apply to the case of petty offences also.

Section 104. Petty offences under this Code are punishable offences, even though they are committed unintentionally, unless otherwise provided in such offences.

Section 105. Whoever attempts and commits the petty offence, that person shall not be punished.

Section 106. A supporter to commit a petty offence shall not be punished.

## **BOOK II SPECIFIC OFFENSES**

### TITLE I

#### OFFENCES RELATING TO THE SECURITY OF THE KINGDOM

## CHAPTER 1

### OFFENCES AGAINST THE KING, THE QUEEN, THE HEIR-APPARENT AND THE REGENT

Section 107. Whoever, assassinating the King to the death, shall be punished by the death.

Whoever, attempting to commit the act as aforesaid, shall be punished in the same manner.

Whoever, making any act as preparation for assassinating the King or knowing that there is the person who will assassinate the King, having made any act to assist in keeping the secret act, shall be punished by life-imprisonment.

Section 108. Whoever, commits an act of violence against the King or His liberty, shall be punished with death or imprisonment for life.

Whoever, attempts to commit such offence, shall be liable to the same punishment.

If such act is likely to endanger His life, the offender shall be punished with death.

Whoever, makes preparations for committing any act of violence against the King or His liberty, or does any act to assist in keeping secret any intention to commit such offence, shall be punished with imprisonment of sixteen to twenty years.

Section 109. Whoever causes death to the Queen, the Heir-apparent or the Regent shall be punished with death.

Whoever attempts to commit such offence, shall be liable to the same punishment.

Whoever makes preparations for causing death to the Queen, the Heir-apparent or the Regent, or does any act to assist in keeping secret any intention to commit such offence, shall be punished with imprisonment of twelve to twenty years.

Section 110. Whoever commits an act of violence against the Queen or Her liberty, the Heir-apparent or His liberty, or the Regent or his/her liberty, shall be punished with imprisonment for life or imprisonment of sixteen to twenty years.

Whoever attempts to commit such offence, shall be liable to the same punishment.

If such act is likely to endanger the life of the Queen, the Heir-apparent or the Regent, the offender, shall be punished with death or imprisonment for life.

Whoever makes preparations for committing an act of violence against the Queen or Her liberty, the Heir-apparent or His liberty, or the Regent or his/her liberty, or does any act to assist in keeping secret any intention to commit such offence, shall be punished with imprisonment of twelve to twenty years.

Section 111. Whoever to be the supporter for committing any offence under Section 107 to Section 110 shall be punished in the same manner as the principal in such offence.

Section 112. Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.

*Section 112 amended by the Article 1 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

## CHAPTER 2

### OFFENCES AGAINST THE INTERNAL SECURITY OF THE KINGDOM

Section 113. Whoever, commits an act of violence or threatens to commit an act of violence in order to:

- (1) Overthrow or change the Constitution;
- (2) Overthrow the legislative power, the executive power or the judicial power of the Constitution, or nullify such power; or
- (3) Separate the Kingdom or seize the power of administration in any part of the Kingdom, is said to commit insurrection, and shall be punished with death or imprisonment for life.

Section 114. Whoever, collecting the forces or arms, or otherwise making the preparations or conspires to commit the insurrection, or committing any offence as the part of the plot committing the insurrection, or instigating the private persons to commit the insurrection, or Knowing that there are the persons to commit the insurrection and making any act to assist in keeping such secret intention to commit such insurrection, shall be punished by imprisonment as from three to fifteen years.

Section 115. Whoever, instigates any member of the armed forces or the police forces to desert or not to perform his duties, or to commit mutiny, shall be punished with imprisonment not exceeding five years.

If such offence is committed for the purpose of undermining the discipline and efficiency of the said armed forces or police forces, the offender shall be punished with imprisonment not exceeding ten years.

Section 116. Whoever, makes an appearance to the public by words, writings or any other means which is not an act within the purpose of the Constitution or for expressing an honest opinion or criticism in order:

- (1) To bring about a change in the Laws of the Country or the Government by the use of force or violence;
- (2) To raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country; or
- (3) To cause the people to transgress the laws of the Country, shall be punished with imprisonment not exceeding seven years.

Section 117. Whoever, instigates or causes a strike, lockout, or concerted cessation of trade or business with any person for the purpose of bringing about any change in the Laws of the Country, coercing the Government or intimidating the public, shall be punished with imprisonment not exceeding seven years or fine not exceeding fourteen thousand Baht, or both.

Whoever, with the knowledge of the above purpose, takes part or assists in the said strike, lock-out, or concerted cessation of trade or business with any person, shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand Baht, or both.

Whoever, with the knowledge of the above purpose, commits any act of violence, threatens to commit any act of violence or intimidates by any means whatever so as to compel any person to take part or assist in any strike, lock-out, or concerted cessation of trade or business with any person, shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both.

Section 118. Whoever, making any act to the flag or any other emblem to be symbolized the State with the intention to deride the Nation, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.

*Section 118 amended by the Article 2 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

### CHAPTER 3

#### OFFENCES AGAINST THE EXTERNAL SECURITY OF THE KINGDOM

Section 119. Whoever, does any act with intent to cause the Country or any part thereof to descend under the sovereignty of any foreign State, or to deteriorate the independence of the State, shall be punished with death or imprisonment for life.

Section 120. Whoever, conspiring with the person to make the act for the benefit of the foreign State with the intention of causing the battle against the State or in an other way against the State, shall be imprisoned for life or imprisoned as from ten years to twenty years.

Section 121. Whoever, being a Thai, bears the arms in battle against the Country, or participates as an enemy of the Country, shall be punished with death or imprisonment for life.

Section 122. Whoever, does any act in order to assist the waging of battle or the preparation for battle of the enemy, shall be punished with imprisonment of five to fifteen years.

If such assistance is made:

- (1) By rendering useless or bringing into the power of an enemy, any fortress, camp, airport, war conveyance, conveyance, line of communication, article used in communication, armaments, food, dock, building or any other thing used for the purpose of war;
- (2) By instigating any member of the armed forces to neglect to perform his duties, to commit mutiny, to desert the service or to commit breach of discipline;
- (3) By committing espionage, conducting or guiding the enemy; or
- (4) By acting any other means of the advantage for the enemy in the battle;

The offender shall be punished with death or imprisonment for life.

Section 123. Whoever, making any act so as to procure the information, document or any thing kept to be secret for the safety of the Country, shall be imprisoned not less than ten years.

Section 124. Whoever, does any act in order that any other person may know or obtain any information, document or anything which is kept secret for the safety of the Country, shall be punished with imprisonment not exceeding ten years.

If such offence is committed whilst the Country is engaged in the battle or war, the offender shall be punished with imprisonment of five to fifteen years.

If the offence, mentioned in the two foregoing paragraphs, is committed for the benefit of a foreign State, the offender shall be punished with death or imprisonment for life.

Section 125. Whoever, counterfeiting, fabricating, detaining, hiding, concealing, removing, damaging, destroying, or losing or rendering any of document or plan concerning the interest of State in the international affairs, shall be imprisoned not out of ten years.

Section 126. Whoever, being entrusted by the Government to carry out any activities of the State with a foreign Government, dishonestly does not carry out the activities as entrusted, shall be punished with imprisonment of one to ten years.

Section 127. Whoever, making any act for causing the danger to the external security of the State, shall be imprisoned not out of ten years.

If such danger having been occurred, the offender shall be punished with the death or life imprisonment or imprisoned as from two years to twenty years.

Section 128. Whoever, makes preparation or attempt to commit any offence mentioned in this Chapter, shall be liable to the same punishment provided for such offence.

Section 129. Whoever, to be the supporter for committing any offence as mentioned by this Chapter, shall be punished in the same punishment as the principal in such offence.

#### CHAPTER 4

##### OFFENCE AGAINST THE FRIENDLY RELATION WITH FOREIGN STATES

Section 130. Whoever, committing bodily harm, or committing any act of violence against the liberty of the Sovereign, his Queen or her Consort, Heir-apparent or Head of a friendly foreign State, shall be punished with imprisonment of one to fifteen years.

Whoever attempts to commit such offence, shall be liable to the same punishment.

Section 131. Whoever, assaulting or committing any act of violence against the liberty of the Foreign Representative to be accredited to the Royal court, shall be imprisoned not out of ten years.

Whoever, attempting to commit the act as aforesaid, shall be punished by the same punishment.

Section 132. Whoever causing death, or attempting to cause death to any person specified in Section 130 or Section 131, shall be punished with death or imprisonment for life.

Section 133. Whoever, defaming, insulting or threatening the Sovereign, Queen, Consort, Heir-apparent or Head of Foreign State, shall be imprisoned as from one year to seven years or fined as from two thousand to fourteen thousand Baht, or both.

Section 134. Whoever, defaming, insulting or threatening a foreign Representative accredited to the Royal Court, shall be punished with imprisonment of six months to five years or fine of one to ten thousand Baht, or both.

Section 135. Whoever, doing any act to the flag or any other emblem to be symbolized the friendly Foreign State with the intention to deride that State, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.

*Sections 133, 134 and 135 amended by the Article 3 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

#### TITLE I/I

##### THE OFFENCE IN RESPECT OF TERRORIZATION

Section 135/1. Whoever, performing the Criminal Offence, as follows:

(1) Commit an act of violence or exercise any act to cause a danger to life or a body harm or any person's freedom harm seriously;

(2) Commit any act to cause seriously injury to transportation-system, communication-system or structure base of public interest;

(3) Commit any act to cause injury to any State's property or any person's property or an envelopment to cause likely cause an important economic injury;

If such act is made by the aim to treated or enforce Thai Government, Foreign Government or International Organization make or not to make any act to cause seriously injury or for making a disorder by causing the people to be terrified, such person committing an offence of terrorization must be punished with death, imprisonment for life or imprisonment from three years to twenty years and fine from six ten thousands Baht to one million Baht;

Doings by demonstration, convocation, protestation, argument or movement for demanding Government aid or to be received Justice is not offence of terrorization.

Section 135/2. Whoever:

(1) Treated to make a terrorization under circumstances advisable to be believed that such person will do as treatment really; or

(2) Collect forces or arms, procure or gather property, give or receive a training terrorization, prepare any other act or conspire each other to terrorize or commit any offence in a part of plan to terrorize or abet people into a part of terrorization or ones know the terrorists and commit any act to be covered; Such person shall be imprisoned as from two years to ten years and fined as from four ten thousands Baht to two hundred thousands Baht.

Section 135/3. Whoever to be supporter in committing offence under Section 135/1 or Section 135/2 shall be liable to the same punishment as principal in such offence.

Section 135/4. Whoever to be the member of a body of persons who there is resolution of or notification subject to Security Council of the United Nations Organization designating as a body of persons to have committed an act as terrorization, and Thai Government has notified to acknowledge notification or resolution as aforesaid, such person shall be imprisoned not more than seven years and fined not more than hundred thousands and four ten thousands Baht.

*Nature 1/1 with Section 135/1 to Section 135/4 prescribed by the Act Amending the Criminal Code, S.E. 2546, Section 4 (G.G. 120 A. 76, dated in G.G. 11 August 2546).*

## TITLE II

### OFFENCE RELATING TO PUBLIC ADMINISTRATION

#### CHAPTER 1

##### OFFENCE AGAINST OFFICIALS

Section 136. Whoever, insulting the official doing the act according to the function or having done the act according to the function, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

*Section 136 amended by the Article 3 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

Section 137. Whoever, giving any false information to any official, and is likely to cause injury to any person or the public, shall be punished with imprisonment not exceeding six months or fine not exceeding one thousand Baht, or both.

Section 138. Whoever, resisting or obstructs an official or a person required by law to assist such official in the due exercise of his functions, shall be punished with imprisonment not exceeding one year or fine not exceeding two thousand Baht, or both.

If such resistance or obstruction is committed by doing an act of violence or threatening to do an act of violence, the offender shall be punished with imprisonment not exceeding two years or fine not exceeding four thousand Baht, or both.

*Section 138 amended by the Article 4 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

Section 139. Whoever, coercing the official to exercise the act unfunctionfully or refraining from the discharge of one's duty by doing any act of violence or threatening to do any act of violence, shall be imprisoned not out of four years or fined not out of eight thousand Baht, or both.

Section 140. If the offence according to the second paragraph of Section 138, or Section 139 is committed by the offender carrying or using any arms, or by having participation of three persons upwards, the offender shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both.

If such offence is committed by alluding to the power of a secret society or a criminal association, whether there is such secret society or criminal association or not, the offender shall be punished with imprisonment of two to ten years and fine of four to twenty thousand Baht.

If the offence according to this Section is committed by the offender carrying or using any gun, or explosive, the offender shall be liable to heavier punishment than that as provided in the two preceding paragraphs by one-half.

*Section 140 amended by Article 3 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 141. Whoever, removing, damaging, destroying or rendering useless the seal or mark stamped or affixed by the official to anything in discharge of one's duty in witness whereof in seizing, attaching or keeping such thing, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.

Section 142. Whoever, damaging, destroying, concealing, making away with, losing or rendering useless any property or document seized or being kept by an official, or ordered to be sent as evidence or for execution of the law, whether the official keeps such property or document himself, or ordering such person or the other person to send or keep it, shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand Baht, or both.

Section 143. Whoever, demanding, accepting or agreeing to accept a property or any other benefit for himself or the other person as a return for inducing or having induced, by dishonest or unlawful means, or by using his influence, any official, member of the State Legislative Assembly, member of the Changvad Assembly or member of the Municipal Assembly to exercise or not to exercise any of his functions, which is advantageous or disadvantageous to any person, shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both.

Section 144. Whoever, giving, offering or agreeing to give the property or any other benefit to the official, member of State Legislative Assembly, member of Provincial Assembly or member of Municipal Assembly so as to induce such person to do or not to do any act, or to delay the doing of any act contrary to one's own duty, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both.

Section 145. Whoever, professing himself to be an official and exercising the functions of an official without being an official having the power to do so, shall be punished with imprisonment not exceeding one year or fine not exceeding two thousand Baht, or both.

Any official, who has been duly ordered to discontinue further exercise of his functions still continues to exercise such functions, shall be liable likewise to the punishment as provided in the first paragraph.

Section 146. Whoever, not to have the right to wear the uniform or insignia of any of official, member of State Legislative Assembly, member of Provincial Assembly or member of Municipal Assembly, or not to have the right to use any of official title, rank, decoration or thing to symbolize the decoration, and to do so in order to be believed by other person that oneself has the right to wear those things, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

## CHAPTER 2

### MALFEASANCE IN OFFICE

Section 147. Whoever, being an official having the duty of purchasing, manufacturing, managing or keeping any thing, dishonestly misappropriates the same for his own or the other person, or dishonestly allows the other person to misappropriate the same, shall be punished with imprisonment of five to twenty years or imprisonment for life, and fine of two thousand to forty thousand Baht.

*Section 147 amended by Section 3 of the Act Amending the Criminal Code, B.E. 2502.*

Section 148. Whoever, to be the official, by a wrongful exercise of one's functions, to coerce or to induce any person to deliver or to procure the property or any other benefit for oneself or other person, shall be imprisoned as from five years to twenty years or to life imprisonment, and fined as from two thousand Baht to forty thousand Baht, or both.

*Section 148 amended by Sections 4 of the Criminal Code Amendment Act, B.E. 2502.*

Section 149. Whoever, being an official, member of the State legislative Assembly, member of the Changvad Assembly or member of the Municipal Assembly, wrongfully demands, accepts or agrees to accept for himself or the other person a property or any other benefit for exercising or not exercising any of his functions, whether such exercise or non-exercise of his functions is wrongful or not, shall be



punished with imprisonment of five to twenty years or imprisonment for life, and fined of two thousand to forty thousand Baht, or death.

*Section 149 amended by Section 5 of the Act Amending the Criminal Code, B.E. 2502.*

Section 150. Whoever, to be the official performing or not performing any act in one's own function in consideration of the property or any other benefit demanded, accepted or agreed to accept by oneself before to be appointed as official in that post, shall be imprisoned as from five years to twenty years or life imprisonment, and fined as from two thousand Baht to forty thousand Baht.

*Section 150 amended by Section 6 of the Act Amending the Criminal Code, B.E. 2502.*

Section 151. Whoever, to be the official to have the duty in the purchase, execution, management or maintenance of any thing by a wrongful exercise of one's functions damaging the State, the Municipality, the Sanitation or the owner of such property, shall be imprisoned as from five years to twenty year or life imprisonment and fined as from two thousand Baht to forty thousand Baht.

*Section 151 amended by Section 7 of the Act Amending the Criminal Code, B.E. 2502.*

Section 152. Whoever, being an official having the duty of managing or looking after any activity, takes the interest for the benefit of himself or the other person concerning such activity, shall be punished with imprisonment of one to ten years and fine of two thousand to twenty thousand Baht.

*Section 152 amended by Section 8 of the Act Amending the Criminal Code, B.E. 2502.*

Section 153. Whoever, to be official to have the duty to defray chose, having defrayed such chose more than what should be defrayed chose, having defrayed such chose more than what should be defrayed for the benefit of oneself or the other person, shall be imprisoned as from one year to ten years and fined as from two thousand Baht to twenty thousand Baht.

*Section 153 amended by Section 9 of the Act Amending the Criminal Code, B.E. 2502.*

Section 154. Whoever, being an official having the duty, or professing to have the duty of collecting or checking taxes, duties, fees or any other money, dishonestly collects or fails to collect such taxes, duties, fees or money, or does any act or does not do any act in order that the person having the duty to pay such taxes, duties or fees shall not have to pay them, or pay less than what such person has to pay, shall be punished with imprisonment of five to twenty years or imprisonment for life, and fine of two thousand to forty thousand Baht.

*Section 154 amended by Section 10 of the Act Amending the Criminal Code, B.E. 2502.*

Section 155. Whoever, to be official to have the duty to assess any of property-value or goods for collection of the taxes, duties or fees according to the law dishonestly, to such property-value or goods so as to such person to have the duty to pay the tax, duties or fees without to pay or to pay less than of which shall be paid by such person, shall be imprisoned as from five years to twenty years or life imprisonment and fined as from two thousand Baht to forty thousand Baht.

*Section 155 amended by Section 11 of the Act Amending the Criminal Code, B.E. 2502.*

Section 156. Whoever, being an official having the duty of checking and auditing accounts according to the law dishonestly, advises or does or does not do any act so as to cause an omission of entry in the accounts, a false entry in the accounts, an alteration in the accounts, or concealment or evidence to be recorded in the entry of the accounts resulting in the non- payment of taxes, duties or fees, or in the payment of less than what such person has to pay, shall be punished with imprisonment of five to twenty years or imprisonment for life, and fined of two thousand to forty thousand Baht.

*Section 156 amended by Section 12 of the Act Amending the Criminal Code, B.E. 2502.*

Section 157. Whoever, being an official, wrongfully exercises or does not exercise any of his functions to the injury of any person, or dishonestly exercises or omits to exercise any of his functions, shall be punished with imprisonment of one to ten years or fined of two thousand to twenty thousand Baht, or both.

*Section 157 amended by Section 12 of the Act Amending the Criminal Code, B.E. 2502.*

Section 158. Whoever, to be official damaging, destroying, concealing, taking away, losing or rendering useless any of property or document of which to be one self's duty to take charge or maintain, or allowing the other person doing so, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.

Section 159. Whoever, being an official having the duty of looking after and keeping any thing or document, wrongfully does an act by removing, damaging, destroying or rendering useless a seal or

mark stamped or affixed by the official on such thing or document in the exercise of his functions as evidence of seizing or keeping such thing, or allows the other person to do so. shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 160. Whoever, being an official having the duty of keeping or using seals or impressions of the seals of the official service or another person, wrongfully does an act by using such seals or impressions of the seal, or allows the other person to do so to the injury of another person or the public, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

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.

Section 162. Whoever, being an official having the duty of making a document, receiving a document or filling the contents in a document does any of the following acts in exercising his functions:

- (1) To certify that he has done any act or that any act has been done in his presence, which is false;
- (2) To certify that there is information of a matter of which there is no information;
- (3) To omit to record a matter which he has the duty to record, or to make alteration of such matter in recording it; or

(4) To certify the fact which the document intends to prove as the truth, which is false,

Shall be punished with imprisonment not exceeding seven years and fine not exceeding fourteen thousand Baht.

Section 163. Whoever, being an official having the duty in the post, telegraph or telephone service, wrongfully does any of the following acts:

- (1) Breaking open or allowing the other person to break open the letter or other thing sent by post or telegraph;
- (2) Damaging, destroying, losing or allowing the other person to damage, destroy or lose the letter or other thing sent by post or telegraph;
- (3) Detaining, sending astray or delivering to another person to whom he knows not to be addressed the letter or other thing sent by post or telegraph; or
- (4) Disclosing any information sent by post, telegraph or telephone,

Shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand Baht, or both.

Section 164. Whoever, being an official, wrongfully does any act so that the other person may have the knowledge of the official secret which is known or may be known to him, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 165. Whoever, to be official to have the duty to execute the law or order given for executing the law, to prevent or to obstruct the execution of such law or order, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 166. Whoever, being an official, deserts work, or does any act so that the work is interrupted or damaged, by jointly participating with other persons numbering together from five persons upwards, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If such offence is committed in order to bring about a change in the Laws of the Country, to coerce the Government or to intimidate the public, the offender shall be punished with imprisonment not exceeding ten years and fined not exceeding twenty thousand Baht.

### TITLE III

#### OFFENCE RELATING TO JUSTICE

##### CHAPTER 1

##### OFFENCE AGAINST THE JUDICIAL OFFICIALS

Section 167. Whoever, giving, offering or agreeing to give the property or any other benefit to the official in the judicial post, Public Prosecutor, Official to conduct the cases or Inquiry Official so as to induce oneself wrongfully to do, or not to do the act or to delay the doing of any act, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.

Section 168. Whoever, refusing to comply with the lawful requisition of a Public Prosecutor, official conducting cases or inquiry official requiring him to come and make statement, shall be punished with imprisonment not exceeding three months or fined not exceeding five hundred Baht, or both.

Section 169. Whoever, refusing to comply with the lawful requisition of the Public Prosecutor, official to conduct the cases or to inquiry official requiring oneself to forward of manage to be forwarded any property or document, to take the oath, to make the affirmation or to make the statement, shall be imprisoned not out of three months or fined not out of five hundred Baht, or both.

Section 170. Whoever, refusing to comply with a writ or order of the Court requiring him to come and make a statement, to come and give evidence or to forward any property or document in any judicial proceeding, shall be punished with imprisonment not exceeding six months or fined not exceeding one thousand Baht, or both.

Section 171. Whoever, refusing to comply with the order of the Court to require one to take the oath, to make the affirmation or the statement, or to give the evidence, shall be imprisoned not out of six months or fined not out of one thousand Baht, or both.

Section 172. Whoever, giving any false information concerning a criminal offence, which may likely cause injury to the other person or the public, to the Public Prosecutor, official conducting cases, inquiry official or any official who has the power to investigate the criminal cases, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 173. Whoever, giving the information of the offence, which oneself Knowing not to have been committed, to the inquiry official or the official having the power to investigate the criminal cases, shall be imprisoned not out of three years and fined not out of six thousand Baht.

Section 174. If the information according to Section 172 or Section 173 is in order to maliciously subject any person to the measures of safety, the offender shall be punished with imprisonment not exceeding three years and fined not exceeding six thousand Baht.

If the information according to the first paragraph is in order to maliciously subject any person to a punishment or a heavier punishment, the offender shall be punished with imprisonment not exceeding five years and fined not exceeding ten thousand Baht.

Section 175. Whoever, taking the false information to charge the person in the Court with the commission of the criminal offence out of it to be really, shall be imprisoned not out of five years and fined not out of ten thousand Baht.

Section 176. Whenever any person having committed the offence according to Section 175 apologizes to the Court, and withdraws or amends the charge before the judgment of the Court is given, the Court shall inflict less punishment to any extent than that provided by the law, or the Court may not inflict the punishment at all.

Section 177. Whoever, giving a false evidence to the Court in the judicial proceedings, if such false evidence is an essential matter in the case, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the offence mentioned in the first paragraph is committed in the criminal proceeding, the offender shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand Baht.

Section 178. Whoever, required by the official in the judicial post, Public Prosecutor, Official Conducting the cases or Inquiry Official to translate any of statement or means to render the wrong translation of such statement, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 179. Whoever, fabricating a false evidence in order that an inquiry official or an official who has the power to investigate the criminal cases may believe that any criminal offence has occurred, or may believe that the criminal offence occurred is more serious than it is really, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 180. Whoever, adducing or producing a false evidence in any judicial proceedings, if it is an evidence in an essential matter of the case, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the offence mentioned in the first paragraph is committed in the criminal proceedings, the offender shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand Baht.

Section 181. If the commission of the offences according to Section 174, 175, 177, 178 or 180:

(1) Is in the case charging any person with the commission of an offence whose punishment is imprisonment of three years upwards, the offender shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht;

(2) Is in the case charging any person with the commission of an offence whose punishment is death or imprisonment for life, the offender shall be punished with imprisonment of one to fifteen years and fined of two thousand to thirty thousand Baht.

Section 182. Whoever, having committed the offence according to Section 177 or 178, apologizes and declares the truth to the Court or an official before the conclusion of his statement or translation, shall not be punished.

Section 183. Whoever, to have committed the offence under Section 177 or Section 178, apologized and declared the truth to the Court or the Official before the judgment to be given and before oneself to be charged with the offence committed, the Court may inflict less punishment to any extent than the prescribed by the law.

Section 184. Whoever, in order to help the other person not to be punished or to receive less punishment, damages, destroys, conceals, makes away with, loses or renders useless an evidence in the commission of an offence, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 185. Whoever, damaging, destroying, concealing, making away with, losing or rendering useless any property or document deposited with the Court or kept by the Court in the judicial proceedings, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 186. Whoever, damaging, destroying, concealing, making away losing or rendering useless any of property forfeited by the judgment of the Court, shall be imprisoned not out of three years or fined not out of one hundred Baht, or both.

Section 187. Whoever, in order to prevent the execution of the judgment or order of the Court, damages, destroys, conceals, makes away with, loses or renders useless the property which is seized or attached, or which he knows likely to be seized or attached, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Section 188. Whoever, damaging, destroying, concealing, making away, losing or rendering useless will or document of the other person in the manner likely to cause injury to another person or the public people, shall be imprisoned not out of five years and fined not out of ten thousand Baht.

Section 189. Whoever assists the other person who commits or is alleged of having committed an offence which is not a petty offence so that such person may not be punished by giving him lodging, by hiding, or by assisting him by any means so that he may not be arrested, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 190. Whoever, escaping during confinement under the power of Court, a Public Prosecutor, an inquiry official or an official who has the power to investigate the criminal cases, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the offence as mentioned in the first paragraph is committed by breaking open the place of confinement, by doing any act of violence, by threatening to do any act of violence or by participation of three persons upwards, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the offence according to this Section is committed by the offender carrying or using any gun, or explosive, the offender shall be liable to heavier punishment than that as provided in the two preceding paragraphs by one-half.

*Section 190 amended by the Article 4 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 191. Whoever, by any means, causes to the persons under confinement by the power of Court, a Public Prosecutor, an inquiry official or an official who has the power to investigate the criminal cases to be released from such confinement, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the persons so released from such confinement are the persons sentenced by any Court to death, imprisonment for life or imprisonment of fifteen years upwards, or numbering from three persons upwards, the offender shall be punished with imprisonment of six months to seven years and fined of one to fourteen thousand Baht.

If the offence according to this Section is committed by doing any act of violence, threatening to do any act of violence, or carrying or using any gun or explosive, the offender shall be liable to heavier punishment than that as provided in the two preceding paragraphs by one-half.

*Section 191 amended by the Article 4 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 192. Whoever, harboring, hiding or assisting with any means the person escaped from the lawful custody under the power of the Court, inquiry official or official empowered to investigate the criminal cases so as to such person may not be arrested, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 193. If the offence mentioned in Section 184, 189 or 192 is committed in order to help the father, mother, child, husband or wife, the Court may not inflict any punishment.

Section 194. Whoever, to be sentenced not to be entered the specified area under Section 45, to have entered in such areas, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 195. Whoever, escaping from an institution of treatment where the Court has given order to restrain him according to Section 49, shall be punished with imprisonment not exceeding six months or fined not exceeding one thousand Baht, or both.

Section 196. Whoever, violating the prohibition order of the Court given in the judgment under Section 50, shall be imprisoned not out of six months or fined not out of one thousand Baht, or both.

Section 197. Whoever, to do or threaten to do an act of violence, to give or agree to give the benefit for hindering or obstructing the public auction of the official on account of the judgment or order of the Court, shall be imprisoned not out of six months or fined not out of one thousand Baht or both.

Section 198. Whoever, insulting the Court or the judge in the trial or adjudication of the case, or obstructing the trial or adjudication of the Court, shall be punished with imprisonment of one to seven years or fined of two thousand to fourteen thousand Baht, or both.

*Section 198 amended by Article 5 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

Section 199. Whoever, stealthily burying, concealing, removing or destroying the corpse or part of the corpse so as to conceal the birth, death or cause of death, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

## CHAPTER 2

### MALFEASANCE IN JUDICIAL OFFICE

Section 200. Whoever, being an official in the post of a Public Prosecutor, an official conducting cases, an inquiry official, or an official who has the power to investigate the criminal cases or to execute a criminal warrant, wrongfully exercises or does not exercise any of his functions in order to assist any person not to receive punishment or to receive less punishment, shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

If such exercise or non-exercise is to maliciously cause any person to be punished, to be punished heavier or to be subjected to the measures of safety, the offender shall be punished with imprisonment for life or imprisonment of one to twenty years, and fined of two thousand to forty thousand Baht.

Section 201. Whoever, to be the official in the judicial post, Public Prosecutor, official conducting the cases or the inquiry official, wrongfully to demand, accept or agree to accept the property or any other benefit for oneself or the other person so as to exercise or non-exercise any act, whether such exercise or non-exercise wrongfully oneself's function or not, shall be imprisoned as from five years to twenty years or life imprisonment and fined as from two thousand Baht to forty thousand Baht, or death.

*Section 201 amended by Section 14 of the Criminal Code Amendment Act, B.E. 2502.*

Section 202. Whoever, being an official in a judicial post, a Public Prosecutor, an official conducting cases or an inquiry official, exercises or does not exercise any of his functions in consideration of a property or any other benefit which he has demanded, accepted or agreed to accept before his

appointment to such post, shall be punished with imprisonment of five to twenty years or imprisonment for life, and fined of two thousand to forty thousand Baht, or death.

## Section 202 amended by Section 15 of the Criminal Code Amendment Act, B.E. 2502.

Section 203. Whoever, to be the official having the duty executing the judgment or order of the Court, to prevent or the obstruct the execution of such judgment or order, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 204. Whoever, being an official having the function to control and to take care of any person in lawful custody under the power of the Court, an inquiry official or an official who has the power to investigate the criminal cases, causes, by any means whatever, such person to be released from the custody, shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

If the persons so released from the custody be persons sentenced by any Court to death, to imprisonment for life or to imprisonment of fifteen years upwards, or numbering from three persons upwards, the offender shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Section 205. If the offence mentioned in Section 204 is committed by negligence, the offender shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

If the persons so released from the custody by negligence be persons sentenced by any Court to death, imprisonment for life or imprisonment of fifteen years upwards, or numbering from three persons upwards, the offender shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the offender causes the person released from the custody to be retaken within three months, the punishment inflicted upon the offender shall cease forthwith.

### TITLE IV

#### OFFENCE RELATING TO RELIGION

Section 206. Whoever, to do, by any means whatever, to the object or place of religious worship of any group of persons in the manner likely to insult such religion, shall be imprisoned as from two years to seven years or fined as from two thousand Baht to fourteen thousand Baht, or both.

*Section 206 amended by Article 6 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

Section 207. Whoever to cause a disturbance at an assembly of religious persons lawfully engaged at the time of meeting in religious worship or performing religious ceremonies, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

Section 208. Whoever, wrongfully dressing or using the symbol manifesting that oneself to be Buddhist monk or novice, holyman or clergyman of any religion so as to make the other person to believe that oneself to be such person, shall be imprisoned not out of one year or fined not out of two thousand Baht.

### TITLE V

#### OFFENCE RELATING TO PUBLIC PEACE

Section 209. Whoever to be a member of a body of persons whose proceedings are secret and whose aim to be unlawful, is said to be a member of a secret society, shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand Baht.

If the offender be the chief, manager or office-bearer in such body of persons, such person shall be punished with imprisonment not exceeding ten years and fined not exceeding twenty thousand Baht.

Section 210. Whenever five persons upwards conspire to commit any offence provided in this Book I! and punishable with maximum imprisonment of one year upwards, every such person is said to be a member of a criminal association, and shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If it be a conspiracy to commit an offence punishable with death, imprisonment for life or imprisonment from ten years upwards, the offender shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Section 211. Whoever, to meets in the meeting of secret society or criminal association, the person is said to commit the offence to be such secret society or criminal association unless such person can show that having met without the knowledge that being the meeting of secret society or criminal association.

Section 212. Whoever:

- (1) Procures a meeting place or lodge for a secret society or criminal association ;
- (2) Induces a person to become a member of a secret society or criminal association ;
- (3) Aids a member of secret society or criminal association by contribution of money or in any other way; or
- (4) Assists in the disposal of property obtained by the secret society or criminal association through any offence, shall be punished likewise as a member of a secret society or criminal association, as the case may be.

Section 213. Whenever an offence is committed by any member of a secret society or criminal association in prosecution of the common aim of such society or association, every member who was present at the time of the commission of such offence, or who was present at the meeting where the commission of such offence was decided upon, and the chief manager or office-bearer of such society or association, shall be liable to the punishment prescribed for such offence.

Section 214. Whoever, behaves habitually, lodges or procures the retreat place or meeting place to the persons whom oneself knowing to have the committed offence as provided by this Book 2, such person shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

If the offence to be committed so as to help the father, mother, child, husband or wife, the Court may not inflict any punishment at all.

Section 215. Whenever ten persons upwards being assembled together do or threaten to do an act of violence, or do any thing to cause a breach of the peace, every such person shall be punished with imprisonment not exceeding six months or fined not exceeding one thousand Baht, or both.

If any of the offenders carries an arm, all the offenders shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

If the offender be the manager or person having the duty to give orders for the commission of the offence, such offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 216. When the official orders any person assembled to gather so as to commit the offence as prescribed under Section 215 to disperse, such person not to disperse shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

#### TITLE VI

##### OFFENCE RELATING TO CAUSING PUBLIC DANGER

Section 217. Whoever, firing to the things belonging to the other person, shall be imprisoned as from six months to seven years or fined as from one thousand Baht to fourteen thousand Baht.

Section 218. Whoever sets fire to:

- (1) A building, vessel or floating house in which a human being dwells;
- (2) A building, vessel or floating house used for storage or manufacture of goods;
- (3) A house of entertainment or meeting place;
- (4) A building which is domain public of State, public place or place for performing religious ceremonies;
- (5) A railway station, airport, or public parking or mooring place for cars or vessel;
- (6) A steam-boat or motor-boat of five tons upwards, aeroplane or train used for public transportation, shall be punished with death, imprisonment for life or imprisonment of five to twenty years.

*Section 218 amended by Article 5 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 219. Whoever preparing for committing the offence as aforesaid by Section 217 or Section 218, shall be punished in the same manner as attempting to commit that offence.

Section 220. Whoever, cause fire to any material even belonging to himself in a manner likely to cause injury to the other person or a thing belonging to the other person, shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand Baht.

If the commission of the offence as mentioned in the first paragraph causes a fire to any of the things specified in Section 218, the offender shall be punished as provided in Section 218.

Section 221. Whoever, to causing the explosion likely to cause injury to the other person or the thing belonging to the other person, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.

Section 222. Whoever, to cause an explosion so as to cause injury to any of the things mentioned in Section 217 or 218, shall be punished as provided in such Section.

Section 223. For the aforesaid offence in Section 217, 218, 220 or 222, if the injured things or likely to be injured is little value, and such act is not likely to cause the injury to the other person, the offender shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 224. If the commission of the offence as mentioned in the Section 217, 218, 221 or 222 causes death to the other person, the offender shall be punished with death or imprisonment for life.

If it causes grievous bodily harm to the other person, the offender shall be punished with death, imprisonment for life or imprisonment of ten to twenty years.

*Section 224 amended by Article 6 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 225. Whoever, causing fire by negligence and causing the fling belonging to the other person to be damaged, or likely to cause damage to the life of the other person, shall be imprisoned not out of seven years or fined not out of fourteen thousand Baht, or both.

Section 226. Whoever, by any means whatever, to render a building, dock, public parking or mooring place for cars or vessel, buoy, structure, machinery, mechanical apparatus, electric wire or an equipment provided for the protection of persons or things from danger so as likely to cause danger to the other person, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 227. Whoever, having the profession of design, control or construction, reparation or removal of building or structure, failing to comply with the rule or method to be duly carried out in such undertaking in the manner likely to cause the danger to the other person, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both.

Section 228. Whoever, by any means whatever, cause inundation or obstruction to the supply of water, which is a public utility, and if such act is likely to endanger the other person or a thing belonging to the other person, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the commission of the offence as mentioned in the first paragraph causes danger to the other person or a thing belonging to the other person, the offender shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

Section 229. Whoever, by any means whatever, renders a public way, sluice gate, dam or embankment, which is a part of a public way or taking off and landing place for aeroplanes to be in the condition as likely to cause danger to traffic, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 230. Whoever, to place any obstacle upon the railway or tramway to loosen or displace such railway or tramway or to make any thing to the signal in the manner likely to cause the danger to the running of railway-cars or tram-cars, shall be imprisoned as from six months to seven years and fined as from one thousand Baht to fourteen thousand Baht.

Section 231. Whoever, by any means whatever, renders a lighthouse, buoy, signal or any other thing provided as a signal for the safety of land traffic, navigation or air navigation to be in the condition as likely to cause danger to such land traffic, navigation or air navigation, shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

Section 232. Whoever, by any means whatever, renders any of the following conveyances to be in the condition as likely to cause danger to a person:

- (1) Sea-going vessel, aeroplane, train or tram;
- (2) Motor-car used for public transportation; or



(3) Steam-boat or motor-boat of five tons upwards used for public transportation, shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

Section 233. Whoever, to use the conveyance to transport the passengers, when such conveyance to be under the condition or to be loaded as likely to cause the danger to the persons in such conveyance, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 234. Whoever, by any means whatever, to render an equipment used for production, transmission of electric energy or the supply of water so as to cause lack of convenience to the public, or likely to cause danger to the public, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 235. Whoever, to do any act rendering the public communication of the post, telegraph, telephone or wireless to be obstructed, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 236. Whoever to adulterate an article of food, drug or any other thing intended for human consumption or use, and such adulteration is likely to cause injury to health, or to sell or expose for sale such adulterated article for human consumption or use, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Section 237. Whoever, introducing the poisonous substance or any other substance likely to cause injury to health into the food or water into any well, pond or reservoir, and such food or water to be existed or to be provided for the public consumption, shall be imprisoned as from six months to ten years and fined as from one thousand Baht to twenty thousand Baht, or both.

Section 238. If the offences committed according to Sections 226 to 237 causes death to the other person, the offender shall be punished with imprisonment for life or imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

If it causes grievous bodily harm to another person, the offender shall be punished with imprisonment of one to ten years and fined of two thousand to twenty thousand Baht.

Section 239. If the act as mentioned by Section 226 to Section 237 as being done by negligence to be result in the imminent danger to the life of the other person, doer shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

## TITLE VII

### OFFENCE RELATING TO COUNTERFEITING AND ALTERATION

#### CHAPTER 1

##### OFFENCE RELATING TO CURRENCIES

Section 240. Whoever, to counterfeit the currency, irrespective of whether to make as the coin, banknote or any the other thing to be used or authorized to be used by Government, or to counterfeit the Government bond or interest coupon attached to such bond, such person to be said to commit the offence of counterfeiting the currency, shall be imprisoned as from ten years to twenty years or fined as from ten years to twenty years and fined as from twenty thousand Baht to forty thousand Baht.

Section 241. Whoever alters currency, whether it be a coin, bank-note or any other thing issued or authorized to be issued by the Government. or alters the Government bond or interest coupon attached to such bond with intent to make the other person to believe that it has a higher value than it really has, is said to commit an offence of altering currency, and shall be punished with imprisonment for life or imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

Section 242. Whoever dishonestly diminishes the weight of a coin issued by the Government, shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand Baht. Whoever brings into the Kingdom, or utters or possesses for uttering a coin whose weight has dishonestly been diminished according to the provision in the first paragraph, shall be liable to the same punishment.

Section 243. Whoever, to bring any thing to be counterfeited according to Section 240 or altered according to Section 241, shall be punished as provided in such Section.

Section 244. Whoever, possesses for uttering any thing obtained by him, which he knows to be counterfeited according to Section 240 or altered according to Section 241, shall be punished with imprisonment of one to fifteen years and fined of two thousand to thirty thousand Baht.

Section 245. Whoever, to utter any thing by not to know as being counterfeited according to Section 240 or altered according to Section 241, if subsequently upon having known as being counterfeited or altered still to be sued, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht, or both.

Section 246. Whoever, makes an instrument or a material intended for counterfeiting or altering currency, whether it be a coin, bank-note or any other thing issued or authorized to be issued by the Government, or for counterfeiting or altering the Government bond or interest coupon attached to such bond, or possesses such instrument or material intended for use in counterfeit or alteration, shall be punished with imprisonment of five to fifteen years and fined of ten thousand to thirty thousand Baht.

Section 247. If the offences mentioned in this Chapter be committed concerning currency, whether it be a coin, bank-note or any other thing issued or authorized to be issued by the foreign Government, or relating to the foreign Government bond or interest coupon attached to such bond, the offender shall be liable to one half of the punishment as provided in such Section.

Section 248. If the offender under Section 240, Section 241 or Section 247 has committed under the other Section as prescribed by this Chapter dealing with the thing counterfeited or altered by oneself, such person shall be punished under Section 240, Section 241 or Section 247 for one count only.

Section 249. Whoever, fabricates any kind of printed papers or pieces of metal, the characteristics and sizes of which resemble currency, whether it be a coin, bank-note or any thing issued or authorized to be issued by the Government, or the Government bond or interest coupon attached to such bond, or disposes the same, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

If the disposal of the printed papers or pieces of metal mentioned in the first paragraph is the disposal by uttering as any thing as mentioned in the first paragraph, the offender shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

## CHAPTER 2

### OFFENCE RELATING TO SEALS, STAMPS AND TICKETS

Section 250. Whoever, to forge the State seal, State seal impression or King's Sign Manual, shall be imprisoned as from five years to twenty years and fined as from ten thousand Baht to forty thousand Baht.

Section 251. Whoever, forges a seal or impression of such seal of a Political Bureau a public organization or an official, shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

Section 252. Whoever, using the seal, seal impression or King's Sign Manual as mentioned under Section 250 or Section 251 as being the seal, seal impression or King's Sign Manual to be forged, shall be punished as provided by such Section.

Section 253. Whoever, having obtained possession of the seal or impression of the seal mentioned in Section 250 or 251, which is genuine, wrongfully uses such seal or impression of such seal in a manner likely to cause injury to the other person or the public, shall be liable to two-thirds of the punishment as provided in Section 250 or 251.

Section 254. Whoever, forges a Government stamp used for postage, taxation or collection of fees, or alters a Government stamp used for such purposes in order to make other persons to believe that it has a higher value than it really has, shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

Section 255. Whoever, bringing the State seal, State seal impression, King's Sign Manual, seal or seal impression of Political Bureau, public organization or official, or stamp as specified under Section 250, 251 or 254 which to be forged or altered, shall be imprisoned as from one year to ten years and fined as from two thousand Baht to twenty thousand Baht.

Section 256. Whoever, erases, removes or does by any means whatever to the Government stamp as specified in Section 254, which has mark or has done any act to it to denote that it can not longer be used, in order that it may be used again, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Section 257. Whoever, using, selling, offering for sale, exchanging or offering for exchange the stamp begotten from the commission as aforesaid by Section 254 or Section 256 whether commission under

such Section being committed inside or outside the Kingdom, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 258. Whoever, forges or alters a ticket used in public transportation with intent to make other persons to believe that it is a higher value than it really has, or erases, removes or does by any means whatever to it which has a mark or has done any act to it to denote that it has been used, in order that it may be used again, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 259. If the commission under Section 258 as commission relating to tickets disposed to public people for entering into any place, the doer shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 260. Whoever, uses, sells, offers for sale, exchanges or offers for exchange the ticket begotten from the commission of the offence mentioned in Section 258 or 259, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

Section 261. Whoever, makes the instrument or material for forging or altering any thing as specified in Section 254, 258 or 259, or possesses such instrument or material for use in forging or altering, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 262. If the offence mentioned in Section 254, 256, 257 or 261 be committed relating to the foreign Government stamps, the offender shall be liable to one-half of the punishment as provided for such Section.

Section 263. If the offender under Section 250, Section 251, Section 254, Section 256, Section 257, Section 258, Section 259 or Section 262 to have committed the offence under the other Section as prescribed in this Chapter relating to the thing to be begotten from the commission of offence also, that person shall be punished according to Section 250, Section 251, Section 254, Section 256, Section 258, Section 259 or Section 262 for one count only.

### CHAPTER 3

#### OFFENCE RELATING TO DOCUMENTS

Section 264. Whoever, in a manner likely to cause injury to another person or the public, fabricates a false document or part of a document, or adds to, takes from or otherwise alters a genuine document by any means whatever, or puts a false seal or signature to a document, if it is committed in order to make any person to believe that it is a genuine document, is said to forge a document, and shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Whoever, fills in the contents on a sheet of paper or any other material bearing the signature of another person without the consent or by violating the order of such person, if it has committed in order to take such document for use in any activities which may cause injury to any person or the public, shall be deemed to forge a document, and shall be punished likewise.

Section 265. Whoever, forges a document of right or official document, shall be punished with imprisonment of six months to five years and fined of one thousand to ten thousand Baht.

Section 266. Whoever forges any of the following documents:

- (1) A document of right, which is an official document;
- (2) A will;
- (3) A share certificate or debenture, or share warrant or debenture warrant;
- (4) A bill; or
- (5) A negotiable certificate of deposit, shall be punished with imprisonment of one to ten years and fined of twenty thousand to two hundred thousand Baht.

## Section 266 amended by Section 3 of the Act Amending the Criminal Code (No. 12), B.E.

### 2535.

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 out of three years or fined not out of six thousand Baht, or both.

Section 268. Whoever, in a manner likely to cause injury to another person or the public, makes use of, or cites the document begotten from the commission of the offence according to Section 264, 265, 266 or 267, shall be liable to the punishment as provided in such Section.

If the offender according to the first paragraph be the person who himself forges such document, or causes an official to make such entry, such offender shall be punished according to this Section for one count only.

Section 269. Whoever, in the pursuance of work in the medicine, law, accountancy or any other profession, making the certification of false document by the manner likely to cause injury to the other person or the public people, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.

Whoever, dishonestly using or citing the certification begotten from the commission of offence according to the paragraph 1, shall be punished in the same manner.

#### CHAPTER 4

##### OFFENCE RELATING TO THE ELECTRONIC CARD

Section 269/1. Whoever, forges the electronic card in whole or in part, adds or cuts statement or amends by any means whatever in the genuine electronic card in manner likely to cause injury to other person or people. If that card is made in order to anyone believing that it is the genuine electronic card or for the benefit in any respect, such person commits the electronic card forgery and shall be punished imprisonment from one year to five years and fined from two ten thousands Baht to hundred thousands Baht.

Section 269/2. Whoever makes the instruments or materials for counterfeit or alteration or for acquiring the data in counterfeiting or altering anything specified in Section 269/1 or has such instrument or material. As aforesaid, for using or acquiring the data in counterfeiting or altering, such person shall be punished imprisonment from one year to five years and fined from two ten thousands Baht to hundred thousand Baht.

Section 269/3. Whoever brings into or sends out of anything from Kingdom in accordance with Section 269/1 or Section 269/2, such person shall be punished imprisonment from three years to ten years and fined from six ten thousands Baht to hundred thousands Baht.

Section 269/4. Whoever uses or has for the sake of using anything in accordance with Section 269/1 which is obtained possession of knowledge that it is the made falsification or counterfeit, such person shall be punished imprisonment from one year to seven years or fined from two ten thousands Baht to hundred thousand Baht to four ten thousands Baht or both imprisonment and fine.

Whoever sells or has for selling anything forged or counterfeited in accordance with Section 269/1, such person shall be punished imprisonment from one year to ten years or fined from two ten thousands Baht to two hundred thousands Baht or both imprisonment and fine.

If offender in accordance with first paragraph or second paragraph forges the electronic card in accordance with Section 269/1, such offender shall be punished in accordance with this Section in only count.

Section 269/5. Whoever uses the electronic card of other person wrongfully in a manner likely to cause detriment of other person or people, such person shall be punished imprisonment not more than five years or fined not more than hundred thousands Baht or both fined and imprisonment.

Section 269/6. Whoever has to use the electronic card of other person wrongfully in accordance with Section 269/5 in a manner likely to cause detriment to other person or people, such person shall be punished imprisonment not more than three years or fined not more than six ten thousands Baht or both imprisonment and fine.

Section 269/7. If commission of an offence as aforesaid in this Chapter is doings in respect of the electronic card which issuer has issued to person entitled to use for the satisfaction of paying goods. Service or other debt in lieu of ready money or use to draw and withdraw ready money, such doer shall be punished more punishment than as one prescribed in that Sections as the half of them.

*Nature 4, the Offence According to Electronic Card of nature 8, the Offence According to Change, Section 269/1, Section 269/2, Section 269/3, Section 269/4, Section 269/5, Section 269/6 and Section 269/7, prescribed and added by the Act Amending the Criminal Code (No. 17), B.E. 2547 of Section 5.*

TITLE VIII  
OFFENCE RELATING TO TRADE

Section 270. Whoever, uses or possesses for use an instrument of weighing, a weight or measure, which is contrary to standard in order to take advantage in trade, or possesses such instrument, weight or measure for sale, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

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 out of three year or fined not out of six thousand Baht, or both.

*Section 271 amended by Section 3 of the Act Amending the Criminal Code (No. 4), B.E. 2522.*

Section 272. Whoever:

- (1) Uses a name, figure, artificial mark or any wording in the carrying on trade of the other person, or causes the same to appear on a goods, packings, coverings, advertisements, price lists, business letters or the like in order to make the public to believe that it is the goods or trade of such other person;
  - (2) Imitates a signboard or the like so that the public are likely to believe that his trading premises are those of another person situated nearby;
  - (3) Circulates or propagates the false statement in order to bring discredit to the trading premises, goods, industry or commerce of any person with a view to obtaining benefit for his trade, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.
- The offence under this Section is a compoundable offence.

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 out of six thousand Baht, or both.

Section 274. Whoever, imitates the registered trade-mark of the other person, whether it be registered within or outside the Kingdom in order to make the public to believe that it is the registered trade-mark of such other person, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

Section 275. Whoever, bringing into the Kingdom, disposing or exposing for disposing the goods bearing the name, figure, artificial mark or any wording as prescribed by Section 272 (1), or the goods bearing the forged or imitated trade-mark to belong to the other person under Section 273 or Section 274, shall be punished in such Section.

TITLE IX  
OFFENCE RELATING TO SEXUALITY

Section 276. Whoever has sexual intercourse with a woman, who is not wife, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, shall be punished with imprisonment of four to twenty years and fined of eight thousand to forty thousand Baht.

If the offence as mentioned in the first paragraph is committed by carrying or using any gun or explosive, or participation of persons in the nature of destroying the woman, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht, or imprisonment for life.

*Section 276 amended by Section 3 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 277. Whoever, has sexual intercourse with a girl not yet over fifteen years of age and not being his own wife, whether such girl shall consent or not, shall be punished with imprisonment of four to twenty years and fined of eight thousand to forty thousand Baht.

If the commission of the offence according to the first paragraph is committed against a girl not yet over thirteen years of age, the offender shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

If the commission of the offence according to the first or second paragraph is committed by participation of persons in the nature for destroying a girl and such girl is not consent, or by carrying the gun or explosive, or by using the arms, the offender shall be punished with imprisonment for life.

The offence as provided in the first paragraph, if the offender being the man commits against the girl over thirteen years but not yet over fifteen years of age with her consent and the Court grants such man and girl to marry together afterwards, the offender shall not be punished for such offence. If the Court grants them to marry together during the offender be still inflicted with the punishment, the Court shall release such offender.

*Section 277 amended by Section 3 of the Act Amending the Criminal Code (No. 8), B.E. 2350.*

Section 277 bis. If the commission of the offence according to the first paragraph of Section 276, or the first or second paragraph of Section 277, causes:

- (1) Grievous bodily harm to the victim, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht, or imprisonment for life;
- (2) Death to the victim, the offender shall be punished with death or imprisonment for life.

Section 277 ter. If the commission of the offence according to the second paragraph of Section 276 or the third paragraph of Section 277, causes:

- (1) Grievous bodily harm to the victim, the offender shall be punished with death or imprisonment for life
- (2) Death to the victim, the offender shall be punished with death.

*Section 277 bis and Section 277 ter amended by Section 3 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*

Section 278. Whoever, committing an indecent act to the person out of fifteen years of age by threatening with any means, by doing any act of violence, by taking advantage of that person to be in the condition of inability to resist, or by causing that person to mistake him for the other person, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht, or both.

Section 279. Whoever, commits an indecent act on a child not yet over fifteen years of age, whether such child shall consent or not, shall be punished with imprisonment not exceeding ten years or fined not exceeding twenty thousand Baht, or both.

If the commission of the offence according to the first paragraph, the offender commits it by threatening by any means whatever, by doing any act of violence, by taking advantage of such child being in the condition of inability to resist, or by causing such child to mistake him for another person, the offender shall be punished with imprisonment not exceeding fifteen years or fined not exceeding thirty thousand Baht, or both.

*Section 278 and Section 279 amended by Section 4 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*

Section 280. If the commission of offence according to the Section 278 or Section 279 causes:

- (1) Grievous bodily harm to the victim, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht;
- (2) Death to the victim, the offender shall be punished with death or imprisonment for life.

*Section 280 amended by Section 3 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 281. The commission of offence according to the paragraph 1 of Section 276 and Section 278, if not to occur in the public, not to cause the grievous bodily harm or death to the victim, not commit against the person as specified in this Section, it shall be the compoundable offence.

*Section 281 amended by the Article 9 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 282. Whoever, in order to gratify the sexual desire of another person, procures, seduces or takes away for indecent act the man or woman with his or her consent, shall be punished with imprisonment of one to ten years and fined of two thousand to twenty thousand Baht.

If the commission of the offence according to the first paragraph is occurred to the person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

If the commission of the offence according to the first paragraph is occurred to the child not yet over fifteen years of age, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

Whoever, in order to gratify the sexual desire of another person, obtains the person who is procured, seduced or taken away according to the first, second or third paragraph or supports in such commission

of offence, shall be liable to the punishment as provided in the first, second or third paragraph, as the case may be.

*Section 282 amended by Section 4 of the Act Amending the Criminal Code (No. 14), B.E. 2540.*

Section 283. Whoever, in order to gratify the sexual desire of another person, procures, seduces or takes away for indecent act a man or woman by using deceitful means, threat, doing an act of violence, unjust influence or mode of coercion by any other means, shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

If the commission of the offence according to the first paragraph is occurred to the person over fifteen years but not yet over eighteen years of age, the offender shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

If the commission of the offence according to the first paragraph is occurred to the child not yet over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years and fined twenty thousand to forty thousand Baht, or imprisonment for life, or death.

Whoever, in order to gratify the sexual desire of another person, obtains the person who is procured, seduced or taken away according to the first, second or third paragraph, or supports in such commission of offence, shall be liable to the punishment as provided in the first, second or third paragraph, as the case may be.

*Section 283 amended by Section 4 of the Act Amending the Criminal Code (No. 14), B.E. 2540.*

Section 283 bis. Whoever, takes away the person over fifteen years but not yet over eighteen years of age for indecent act with consent of such person, shall be punished with imprisonment of not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the commission of offence according to the first paragraph is occurred to the child not yet over the fifteen years of age, the offender shall be punished with imprisonment not exceeding seven years or fined not exceeding fourteen thousand Baht, or both.

Whoever, conceals the person who is taken away according to the first or second paragraph, shall be liable to punishment as provided in the first or second paragraph, as the case may be.

If the offences according to the first and third paragraph are specially occurred in the case of committing to the person exceeding the fifteen years of age, they are compoundable offences.

*Section 283 bis added by Section 5 of the Act Amending the Criminal Code (No. 14), B.E. 2540.*

Section 284. Whoever, takes away an another person for indecent act by using deceitful means, threat, doing any act of violence, unjust influence or mode of coercion by any other means, shall be punished with imprisonment of one of ten years and fined of two thousand to twenty thousand Baht.

Whoever, conceals the person who is taken away according to the first paragraph, shall be liable to the same punishment as the person who takes away.

The offence according to this Section is compoundable offence.

*Section 284 amended by Section 6 of the Act Amending the Criminal Code (No. 14), B.E. 2540.*

Section 285. If committing the offence under Section 276, Section 277 bis, Section 277 ter, Section 278, Section 279, Section 280, Section 282 or Section 283 to be act against the descendant, pupil under taken oneself's care, person under oneself's control according to oneself official authority, or person under oneself's tutorship, guardianship or courtship, such offender shall be punished by the heavier punishment then that as prescribed in that Section by one-third.

*Section 285 amended by the Article 10 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 286. Any person, being over sixteen years of age, subsists on the earning of a prostitute, even it is some part of her incomes, shall be punished with imprisonment of seven to twenty years and fined of fourteen thousand to forty thousand Baht, or imprisonment for life.

Any person has no other apparent or sufficient means of subsistence, and:

- (1) Is found residing or habitually associating with one or more prostitutes;
- (2) Takes board and lodging, or receives money or any other benefit arranged for by a prostitute; or
- (3) Take part in order to help any prostitute in her quarrel with her customer,

The provisions of this Section shall not be applied to any person who receives maintenance from a prostitute who is bound to give maintenance according to law or morality.

*Section 286 amended by Section 5 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 287. Whoever:

(1) For the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings or causes to be brought into the Kingdom, sends or causes to be sent out of the Kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, cinematograph film, noise tape, picture tape or any other thing which is obscene;

(2) Carries on trade, or takes part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;

(3) In order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spreads the news by any means whatever that there is a person committing the act which is an offence according to this Section, or propagates or spreads the news that the aforesaid obscene material or thing may be obtained from any person or by any means, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

*Section 287 amended by Section 6 of the Act Amending the Criminal. Code (No. 5), B.E. 2525.*

#### TITLE X

#### OFFENCE AGAINST LIFE AND BODY

#### CHAPTER 1

#### OFFENCE CAUSING DEATH

Section 288. Whoever, murdering the other person, shall be imprisoned by death or imprisoned as from fifteen years to twenty years.

Section 289. Whoever commits murder on:

(1) An ascendant;

(2) An official in the exercise of his functions, or by reason of exercising or having exercised his functions;

(3) A person who assists an official in the exercise of his functions, or by reason of the fact that such person will assist or has assisted the said official;

(4) The other person by premeditation;

(5) The other person by employing torture or acts of cruelty;

(6) The other person for the purpose of preparing or facilitating the commission of the other offence; or

(7) The other person for the purpose of securing the benefit obtained through the other offence, or concealing the other offence or escaping punishment for the other offence committed by him, shall be punished with death.

Section 290. Whoever, causes death to the other person by inflicting injury upon the body of such person without intent to cause death, shall be punished with imprisonment of three to fifteen years.

If the offence being committed under any of the circumstances mentioned in Section 289, the offender shall be punished with imprisonment of three to twenty years.

Section 291. Whoever, doing the act by negligence and that act causing the other person to death, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht.

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Section 292. Whoever, practicing the cruelty or employing the similar factor on the person to have depended on him for subsistence or any other activities so as to that person shall commit the suicide, if suicide to have occurred or to have been attempted, shall be imprisoned not out seven years and fined not out of fourteen thousand Baht.

Section 293. Whoever aids or instigates a child not over sixteen years of age, or a person who is unable to understand the nature and importance of his act or who is unable to control his act, to commit suicide, shall, if suicide has occurred or has been attempted, be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 294. Whoever, in as affray among three persons upwards, and any person, whether such person to be participant in such affray or not, to be death, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.



If the participant in such affray can show that oneself has acted so as to prevent such affray or to prevent lawfully, such participant shall not be punished.

## CHAPTER 2

### OFFENCE AGAINST BODY

Section 295. Whoever, causes injury to the other person in body or mind is said to commit bodily harm, and shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 296. Whoever, committing bodily harm, if such offence having any circumstance as prescribed by Section 289, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 297. Whoever, commits bodily harm, and thereby causing the victim to receive grievous bodily harm, shall be punished with imprisonment of six months to ten years.

Grievous bodily harms are as follows:

- (1) Deprivation of the sight, deprivation of the hearing, cutting of the tongue or loss of the sense of smelling;
- (2) Loss of genital organs or reproductive ability;
- (3) Loss of an arm, leg, hand, foot, finger or any other organ;
- (4) Permanent disfiguration of face;
- (5) Abortion;
- (6) Permanent insanity;
- (7) Infirmary or chronic illness which may last throughout life;
- (8) Infirmary or illness causing the sufferer to be in severe bodily pain for over twenty days or to be unable to follow the ordinary pursuits for over twenty days.

Section 298. Whoever, committing the offence under Section 297 under any circumstance as prescribed by Section 289, shall be imprisoned as from two years to ten years.

Section 299. Whenever, grievous bodily harm is caused to any person in an affray in which three persons upwards are engaged, whether such person be a participant in such affray or not, the participants in such affray shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

If the participant in such affray can show that he has acted in order to prevent such affray or in lawful defense, he shall not be punished.

Section 300. Whoever, committing the act by negligence and such act to cause the grievous bodily harm to the other person, shall be imprisoned three years or fined not out of six thousand Baht, or both.

## CHAPTER 3

### OFFENCE OF ABORTION

Section 301. Any woman, causing herself to be aborted or allowing the other person to procure the abortion for herself, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 302. Whoever, procures abortion for a woman with her consent, shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If such act causes other grievous bodily harm to the woman also, the offender shall be punished with imprisonment not exceeding seven years or fined not exceeding fourteen thousand Baht, or both.

If such act causes death to the woman, the offender shall be punished with imprisonment not exceeding ten years and fined not exceeding twenty thousand Baht.

Section 303. Whoever, procures abortion for a woman without her consent, shall be punished with imprisonment not exceeding seven years or fined not exceeding fourteen thousand Baht, or both.

If such act causes other grievous bodily harm to the woman also, the offender shall be punished with imprisonment of one to ten years and fined of two thousand to twenty thousand Baht.

If such act causes death to the woman, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

Section 304. Whoever, attempts to commit the offence according to Section 301 or 302, first paragraph, shall not be punished.

Section 305. If the offence mentioned in Section 301 and 302, be committed by a medical practitioner, and:

- (1) It is necessary for the sake of the health of such woman; or
- (2) The woman is pregnant on account of the commission of the offence as provided in Section 276, 277, 282, 283 or 284 the offender is not guilty.

#### CHAPTER 4

##### OFFENCE OF ABANDONMENT OF CHILDREN, SICK PERSONS OR AGED PERSONS

Section 306. Whoever, abandons a child not over nine years of age in any place, with intent to wholly abandon such child in a manner so that such child shall be without a person to take care of, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Section 307. Whoever, to have the duty according to the law or the have the contract taking care of the person in the helpless condition through age, because of sickness, infirmity in body or mind, abandoning such person in the manner likely to endanger his or her life, shall be imprisoned out of three years or fined not out of six thousand Baht, or both.

Section 308. If the commission of the offence according to Section 306 or 307 causes death or grievous bodily harm to the abandoned person, the offender shall be punished as provided in Section 290, 297 or 298.

#### TITLE XI

##### OFFENCE AGAINST LIBERTY AND REPUTATION

#### CHAPTER 1

##### OFFENCE AGAINST LIBERTY

Section 309. Whoever, compels the other person to do or not to do any act, or to suffer any thing by putting him in fear of injury to life, body, liberty, reputation or property of him or another person, or commits violence so that he does or does not do such act, or suffers such thing, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the offence according to the first paragraph be committed by making use of arms or by five persons upwards participating, or it be committed in order that the compelled person shall execute, revoke, damage or destroy any document of right, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the offence be committed by alluding to the power of the secret society or criminal association, whether it be existent or not, the offender shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

Section 310. Whoever, detains or confines the other person, or by any other means whatever, deprives such person of the liberty of person, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the commission of the offence according to the first paragraph causes death or grievous bodily harm to the person detained, confined or deprived of the liberty of person, the offender shall be punished as provided in Section 290, 297 or 298.

Section 310 bis. Whoever, detaining or confining the other person or making in any manner to deprive other person without liberty bodily and making such other person to do any act for the doer or other person, shall be imprisoned not out of five years or fined not out of ten thousand Baht.

*Section 310 bis added by Section 3 of the Act Amending the Criminal Code (No. 13), B.E. 2537.*

Section 311. Whoever, by negligence causes the other person to be detained, confined or deprived of the liberty of person, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

If the commission of the offence according to the first paragraph causes death or grievous bodily harm to the person detained, confined or deprived of the liberty of person, the offender shall be punished as provided in Section 291 or 300.

Section 312. Whoever, so as to enslave the person or to cause the person to be in the position similar to the slave, bringing into or sending out of the Kingdom, removing, buying, selling, disposing, accepting or restraining any person, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.

Section 312 bis. If the commission of the offence according to Section 310 bis or Section 312 is committed to the child not exceeding fifteen years of age, the offender shall be punished with imprisonment of three to ten years and fined not exceeding twenty thousand Baht.

If the commission of the offence according to the first paragraph or Section 310 bis or Section 312 causes:

- (1) Bodily harm or mental harm to the victim, the offender shall be punished with imprisonment of five to fifteen years and fined not exceeding thirty thousand Baht;
- (2) Grievous bodily harm to the victim, the offender shall be punished with imprisonment for life or imprisonment of seven to twenty years;
- (3) Death to the victim, the offender shall be punished with death, imprisonment for life or imprisonment of fifteen to twenty years.

*Section 312 bis added by Section 4 of the Act Amending the Criminal Code (No. 13), B.E. 2537.*

Section 312 ter. Whoever, by dishonestly, accepting, disposing, procuring, seducing or taking away the person over fifteen years but not yet over eighteen years of age by such person's consent, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both.

If the committing the offence according to paragraph 1 committed to the child not yet out of fifteen years of age, such offender shall be not out of seven years or fined not out of fourteen thousand Baht, or both.

*Section 312 ter added by Section 7 of the Act Amending the Criminal Code (No. 14), B.E. 2540.*

Section 313. Whoever, in order to obtain a ransom:

- (1) Takes away a child not yet over fifteen years of age;
- (2) Takes away a person over fifteen years of age by using deceitful means, threat, doing any act of violence, unjust influence or mode of coercion by any other means; or
- (3) Restrains or detains any person, shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht, or imprisonment for life, or death.

If the commission of the offence according to the first paragraph causes grievous bodily harm to such person taken away, restrained or detained, or is by acts of torture or hardly cruelty so as to cause bodily harm or mental harm to such person, the offender shall be punished with death or imprisonment for life.

If the commission of such offence causes death to the person taken away, restrained or detained, the offender shall be punished with death.

*Section 313 amended by Section 6 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*

Section 314. Whoever, to be a supporter to the commission of the offence according to Section 313, shall be liable to the same punishment as a principal in such offence.

Section 315. Whoever, to act as the intermediary person, to demanding, accepting or agreeing to accept any property or benefit to which not to be entitled from the offender under Section 313 or from the person who will give the ransom, shall be imprisoned as from fifteen years to twenty years and fined as from thirty thousand Baht to forty thousand Baht, or life imprisonment.

*Section 315 amended by Section 8 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 316. If the offender according to Section 313, 314 or 315 arranges for the person who is taken away, restrained or confined to regain his liberty before the judgment of the Court of First Instance without receiving grievous bodily harm or being in the condition of imminent danger to life, such offender shall be inflicted with less punishment than that provided by the law, but not less than one-half.

Section 317. Whoever, without reasonable cause, takes away a child not yet over fifteen years of age from the parent, guardian or person looking after such child, shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

Whoever dishonestly buys, disposes of or accepts such child to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes the child away.

If the offence of this Section has committed for lucre or indecent purpose, the offender shall be punished with imprisonment of five to twenty years and fined of ten thousand to forty thousand Baht.

*Section 317 amended by Section 7 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*

Section 318. Whoever, takes away a minor over fifteen years but not yet over eighteen years of age from the parent, guardian or person looking after such minor against a will of such minor, shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Whoever dishonestly buys, disposes of or accepts a minor to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes such minor away.

If the offence according to this Section has committed for lucre or indecent purpose, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

Section 319. Whoever, takes away a minor over fifteen years of age but not yet over eighteen years of age from the parent, guardian or person looking after such minor for lucre or indecent purpose with the consent of such minor, shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand Baht.

Whoever dishonestly buys, disposes, or accepts a minor to taken away according to the first paragraph, shall be liable to the same punishment as the person who takes such minor away.

*Section 318 and Section 319 amended by Section 7 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*

Section 320. Whoever, by using fraudulent or deceitful means, threat, violence, unjust influence or any other means of compulsion, takes or sends a person out of the Kingdom, shall be punished with imprisonment of two to ten years or fined of four thousand to twenty thousand Baht, or both.

If the commission of the offence according to the first paragraph be committed in order that the person taken or sent out to be under the power of the other person unlawfully, or in order to abandon such person to be in a helpless condition, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

*Section 320 amended by Section 10 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 321. The offence under Section 309, the first paragraph, Section 310, the first paragraph, and Section 311, the first paragraph, are the compoundable offences.

## CHAPTER 2

### OFFENCE 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 out of six months or fined not out of one thousand Baht, or both.

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.

A person undergoing training and instruction in the profession mentioned in the first paragraph has known or acquired the private secret of another person in the training and instruction in such profession, and discloses such private secret in a manner likely to cause injury to any person, shall be liable to the same punishment.

Section 324. Whoever, on the ground that oneself having the duty, professing to call the trust, having known or acquired the secret according to industry, discovery or scientific invention, disclosing or using such secret for the benefit of oneself or other person, shall be imprisoned not out of six months or fined not out of one thousand Baht, or both.

Section 325. The offences in this Chapter are compoundable offences.

## CHAPTER 3

### OFFENCE 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.

*Section 326 amended by Section 3 of the Act Amending the Criminal Code (No. 11), B.E. 2535.*

Section 327. Whoever, imputing any thing the deceased person before the third person, and that imputation to be likely to impair the reputation of the father, mother, spouse or child of the deceased or

to expose that person hated or scammed to be said to commit defamation, and shall be punished as prescribed by Section 326.

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.

*Section 328 amended by Section 4 of the Act Amending the Criminal Code (No. 11), B.E. 2535.*

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.

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.

Section 331. The party in a case or party's lawyer expressing opinion or statement in the proceeding of the Court in favor of his case, shall not be offence of defamation.

Section 332. In case of defamation in which judgment is given that the accused is guilty, the Court may give order:

- (1) To seize and destroy the defamatory matter or part thereof;
- (2) To publish the whole or part of the judgment in one or more newspapers once or several times at the expense of the accused.

Section 333. The offences in this Chapter are compoundable offences.

If the injured person in the defamation dies before making a complaint, the father, mother, spouse or child of the deceased may make a complaint, and it shall be deemed that such person is the injured person.

TITLE XII  
OFFENCE AGAINST PROPERTY  
CHAPTER 1  
OFFENCE OF THEFT AND SNATCHING

Section 334. Whoever, dishonestly taking away the thing of other person or which the other person to be co-owner to be said to commit the theft, shall be imprisoned not out of three years and fined not out of six thousand Baht.

Section 335. Whoever commits theft under any of the following circumstances:

- (1) By night;
- (2) In the place or precinct where there is fire, explosion, flood, or in the place or precinct where there is an accident, distress to railway or other public conveyance or other similar calamity, or by taking advantage of such accident, distress or calamity, or by taking advantage of any public panic;
- (3) By damaging a barricade made for the protection of persons or things, or by penetrating through such barricade by any means whatever;
- (4) By using a passage not intended for human entrance, or a passage opened by an accomplice;
- (5) By disguising himself, or by impersonating another person, or by blackening his face or doing otherwise so that he may not be seen or recognized;
- (6) By falsely pretending that he is an official;
- (7) By carrying arms, or by having two persons upwards participating;
- (8) In a dwelling place, official place or place provided for public service which he has entered without permission, or has hidden himself therein;
- (9) In a place of public worship, a railway station, an airport, a public parking or mooring place for cars or boats, a public place for loading and discharging goods or in a public conveyance;
- (10) Upon a thing used or possessed for public benefit;

(11) Upon a thing belonging to or in possession of the employer;

(12) Upon a thing belonging to an agriculturist, which is a product, plant, animal or implement possessed for the purpose of carrying on agricultural pursuit or acquired from such agricultural pursuit, Shall be punished with imprisonment of one to five years and fined of two thousand to ten thousand Baht.

If the offence committed according to the first paragraph comes under the circumstances provided in the above-mentioned sub-sections from two sub-sections upwards also, the offender shall be punished with imprisonment of one to seven years and fined of two thousand to fourteen thousand Baht.

If the offence according to the first paragraph be committed against the ox, buffalo, mechanical device or machinery of the agriculturist to possess for purpose of carrying on agricultural pursuit, the offender shall be punished with imprisonment of three to ten years and fined of six thousand to twenty thousand Baht.

If the offence mentioned in this Section be committed against the will or on account of unbearable poverty, and the property stolen is of little value, the Court may inflict the punishment on the offender as provided in Section 334.

*Section 335 amended by Section 11 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

*The provision of the fourth paragraph of Section 335 amended by Section 3 of the Act Amending the Criminal Code (No. 7), B.E. 2530.*

Section 335 bis. Whoever, commits theft by taking away the Buddhist Statue, religious object, or any part thereof, which is possessed for the public to worship or kept for being the property of Nation, shall be punished with imprisonment of three to ten years and fined of six thousand to twenty thousand Baht.

If the commission of offence according to the first paragraph be committed in the temple, dwelling place of the monks, religious worship place, ancient place of the State, official place or National museum, the offender shall be punished with imprisonment of five to fifteen years and fined of ten thousand to thirty thousand Baht.

*Section 335 bis amended by Section 12 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

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.

If the snatching causes bodily or mental harm to another person, the offender shall be punished with imprisonment of two to seven years and fined of four thousand to fourteen thousand Baht.

If the snatching causes grievous bodily harm to another person, the offender shall be punished with imprisonment of three to ten years and fined of six thousand to twenty thousand Baht.

If the snatching causes death to another person, the offender shall be punished with imprisonment of five to fifteen years and fined of ten thousand to thirty thousand Baht.

Section 336 bis. Whoever, committing the offence under Section 334, Section 335, Section 335 bis, or Section 336 by wearing the soldier or police uniform or dressing so as to cause the other person to believe that oneself to be the soldier or police, or by carrying or using the gun or explosive, or using the conveyance so as to facilitate in committing the offence, to take away such thing or escape from the arrest, shall be punished more than that as prescribed in such Section by half.

*Section 336 bis added by the Article 13 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

## CHAPTER 2

### OFFENCE OF EXTORTION, BLACKMAIL, ROBBERY AND GANG-ROBBERY

Section 337. Whoever, compels a person to give or to agree to give him or the other 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.

If extortion be committed:

(1) By threatening to cause death or grievous bodily harm to the compelled person or the other person or to set fire to the property of the compelled person or other person; or

(2) By a person carrying an arm, the offender shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

Section 338. Whoever, compelling the other person to give or to agree to give oneself or the other 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.

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.

If such offence is committed under the circumstances as provided in any subsection of Section 335, or being to commit against the ox, buffalo, mechanical device or machinery of the agriculturist to possess for purpose of carrying on agricultural pursuit, the offender shall be punished with imprisonment of ten to fifteen years and fined of twenty thousand to thirty thousand Baht.

If the robbery causes bodily or mental harm to the other person, the offender shall be punished with imprisonment of ten to twenty years and fined of twenty thousand to forty thousand Baht.

If the robbery causes grievous bodily harm to the other person, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht.

If the robbery causes death to the other person, the offender shall be punished with death or imprisonment for life.

*Section 339 amended by the Article 14 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

*The provision of the second paragraph\ of Section 339 amended by Section 13 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

Section 339 bis. If the robbery is committed against the thing according to the first paragraph of Section 335 bis, the offender shall be punished with imprisonment of ten to fifteen years and fined of twenty thousand to thirty thousand Baht.

If such robbery is committed in the place as provided in the second paragraph of Section 335 bis also, the offender shall be punished with imprisonment of ten to twenty years and fined of twenty thousand to forty thousand Baht.

If the robbery according to the first and second paragraph causes bodily or mental harm to the other person, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht.

If the robbery according to the first or the second paragraph causes grievous bodily harm to the other person, the offender shall be punished with imprisonment for life or imprisonment of fifteen to twenty years.

If the robbery according to the first or second paragraph causes death to the other person, the offender shall be punished with death.

*Section 339 bis amended by Section 14 of the Act Amending the Criminal Code (No. 5), B.E. 2525.*

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.

If in the commission of the gang-robbery, even one of the offenders carries arms, the offender shall be punished with imprisonment of twelve to twenty years and fined of twenty-four thousand to forty thousand Baht.

If the gang-robbery causes grievous bodily harm to the other person, the offender shall be punished with imprisonment for life or imprisonment of fifteen to twenty years.

If the gang-robbery is committed by acts of cruelty so as to cause bodily or mental harm to the other person, by shooting with a gun, by using explosive or by acts of torture, the offender shall be punished with imprisonment for life or imprisonment of fifteen to twenty years.

If the gang-robbery causes death to the other person, the offender shall be punished with death.  
*Section 340 amended by the Article 14 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 340 bis. If the gang-robbery is committed against the things according to the first paragraph of Section 335 bis, the offender shall be punished with imprisonment of ten to twenty years and fine of twenty thousand to forty thousand Baht.

If such gang-robbery is committed in the place as provided in the second paragraph of Section 335 bis also, the offender shall be punished with imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht.

If the gang-robbery according to the first or second paragraph, even one of the offender carries arms, the offender shall be punished with imprisonment for life or imprisonment of fifteen to twenty years.

If the gang-robbery according to the first or second paragraph causes grievous bodily harm to the other person, the offender shall be punished with imprisonment for life.

If the gang-robbery according to the first or second paragraph is committed by acts of cruelty so as to cause bodily or mental harm to the other person, by shooting with a gun, by using explosive or by acts of torture, the offender shall be punished with death or imprisonment for life.

If the gang-robbery according to the first or second paragraph causes death to the other person, the offender shall be punished with death.

*Section 340 bis amended by the Article 14 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

Section 340 ter. Whoever, committing the offence under Section 339, Section 339 bis, Section 340 or Section 340 bis, by wearing the soldier or police uniform, by dressing so as to mistake for the soldier or police, or by carrying or using the gun or explosive, or by using the conveyance so as to commit the offence for taking such thing away or for escaping from the arrest, shall be punished to heavier punishment than that as prescribed by such Section by half.

*Section 340 ter added by the Article 15 of the Decree (No. 11) of the National Executive Council in B.E. 2514.*

### CHAPTER 3

#### OFFENCE OF CHEATING AND FRAUD

Section 341. Whoever, dishonestly deceives a person with the assertion of a falsehood or the concealment of the facts which should be revealed, and, by such deception, obtains a property from the person so deceived or a third person, or causes the person so deceived or a third person to execute, revoke or destroy a document of right, is said to commit the offence of cheating and fraud, and shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

Section 342. If the offence of cheating and fraud be committed:

- (1) By the offender showing himself to be another person; or
- (2) By taking advantage of the lack of intelligence of the deceived person who is a child, or by taking advantage of weakness of mind of the deceived person,

The offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 343. If the offence under Section 341 be committed by the assertion of a falsehood to the public or by the concealment of the facts which should be revealed to the public, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

If the offence mentioned in the first paragraph be committed under the circumstances mentioned in any sub-section of Section 342 also, the offender shall be punished with imprisonment of six months to seven years and fined of one thousand to fourteen thousand Baht.

Section 344. Whoever, dishonestly, deceiving ten persons upwards to perform any work for oneself or for the third person with the intent not to pay the wages or remuneration to such persons, or with the intent to pay such persons lower wages or remuneration than those agreed upon, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.



Section 345. Whoever, orders and consumes food or drink, or stays in a hotel, by knowing that the he cannot pay money for the food, drink or the stay in the hotel, shall be punished with imprisonment not exceeding three months or fined not exceeding five hundred Baht, or both.

Section 346. Whoever, in order to take a property of another person for himself or a third person, induces any person to dispose of the property at a disadvantage on account of the induced person being weak-minded, or being a child lacking in intelligence and being unable to understand reasonably the essentials of his acts so that the induced person submits to the disposal of such property, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 347. Whoever, so as to oneself or the other person to obtain the benefit the insurance, maliciously causing the danger to the insured property, shall be imprisoned not out of five years or fined not out of to thousand Baht, or both.

Section 348. The offences in this Chapter excepting the offence under Section 343 are compoundable offences.

#### CHAPTER 4

##### OFFENCE OF CHEATING AGAINST CREDITORS

Section 349. Whoever, taking away, damaging, destroying, causing depreciation of value, or rendering useless the property to have been pledged to another person, if being commission so as to cause injury to the pledged, shall be imprisoned not out of two years or fined not out of four thousand Baht, or both.

Section 350. Whoever, in order to prevent his creditor or the creditor of the other person from receiving payment in whole or in part which has been or will be claimed through the Court, removes, conceals or transfers any property to another person, or maliciously contracts a debt for any sum which is not true, shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand Baht, or both.

Section 351. The offences in this Chapter are compoundable offences.

#### CHAPTER 5

##### OFFENCE OF MISAPPROPRIATION

Section 352. Whoever, being in possession of a property belonging to the other person, or of which the other person is a co-owner, dishonestly converts such property to himself or a third person, is said to commit misappropriation, and shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If such property comes under the possession of the offender on account of being delivered to him by the other person by mistake by any means whatever, or being a lost property found by him, the offender shall be liable to one-half of the punishment.

Section 353. Whoever, to be entrusted to manage the other person's property or property which the other person to be the co-owner, dishonestly to do any act contrary to oneself duty by any means whatever, up to cause the danger to the benefit on account of being the property of such other person, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 354. If the offence under Section 352 or 353 be committed by the offender in the status of being an executor or administrator of the property of the other person under the order of the Court or under a will, or in the status of being a person having an occupation or business of public trust, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 355. Whoever, to have found the valuable movable property to be hidden or buried under the circumstances of which no person claim to be the owner, to have converted such property for oneself or the other person, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 356. The offences in this Chapter are compoundable offences.

#### CHAPTER 6

##### OFFENCE OF RECEIVING STOLEN PROPERTY

Section 357. Whoever, assists in concealing, disposing of, making away with, purchases, receives in pledge or otherwise any property obtained through the commission of an offence, and such offence being theft, snatching, extortion, blackmail, robbery, gang-robbery, cheating and fraud,

misappropriation or misappropriation by an official, is said to receive stolen property, and shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

●  
If the offence of receiving stolen property be committed for profit or against the property obtained by theft under Section 335 (10), robbery or gang-robbery, the offender shall be punished with imprisonment of six months to ten years and fined of one thousand to twenty thousand Baht.

If such offence of receiving stolen property is committed against the property obtained by theft according to Section 335 bis, by the robbery according to Section 339 bis, or by the gang-robbery according to Section 340 bis, the offender shall be punished with imprisonment of five to fifteen years and fined of ten thousand to thirty thousand Baht.

*The provision of the third paragraph of Section 357 added by Section 6 of the Act Amending the Criminal Code (No. 2), B.E. 2512.*

#### CHAPTER 7

##### OFFENCE OF MISCHIEF

Section 358. Whoever, damaging, destroying, causing the depreciation of value or rendering useless the property belonging to the other person or which the other person to be the co-owner, such person to be said to commit mischief, and shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 359. If the offence under Section 358 be committed against:

- (1) An engine or a machinery used for agricultural or industrial pursuits;
- (2) A cattle;
- (3) A conveyance or a beast of burden used for public transportation or for agricultural or industrial pursuits; or
- (4) A plant or produce of an agriculturist, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 360. Whoever, damaging, destroying, causing the depreciation of value or rendering useless the property used or possessed for public benefit, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both.

Section 360 bis. Whoever, damages, destroys, causes depreciation in value or renders useless the properties according to the first paragraph of Section 335 bis, which are standed in the places according to the second paragraph of Section 335 bis, shall be punished with imprisonment not exceeding ten years or fined not exceeding twenty thousand Baht, or both.

*Section 360 bis added by Section 7 of the Act Amending the Criminal Code (No. 2), B.E. 2512.*

Section 361. The offences under Sections 358 and 359 are compoundable offences.

#### CHAPTER 8

##### OFFENCE OF TRESPASS

Section 362. Whoever, entering into the immovable property belonging to the other person so as to take possession of such property in whole or in any part or entering into such property to do any act disturbing the peaceful possession of such person, shall be imprisoned not out of one year or fined not out of two thousand Baht, or both.

Section 363. Whoever, so as to take hold of the immovable property belonging to the other person for oneself or the third person, removing or destroying the boundary mark or such property in whole or in any party, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 364. Whoever, without reasonable cause, enters or hides himself in a dwelling place, store-house or office under the possession of the other person, or refuses to leave such place after having been told to do so by the person having the right to forbid him from entering, shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

Section 365. If the offence under Section 362, 363 or 364 be committed:

- (1) By an act of violence or threat to commit an act of violence;
- (2) By a person carrying arms or by two persons upwards participating; or
- (3) By night, the offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand Baht, or both.

Section 366. The offences in this Chapter, excepting the offence under Section 365, are compoundable offences.

### **BOOK III PETTY OFFENCES**

Section 367. Whoever, to have been required by the official to give oneself's name or address for the execution of the law, to refuse to give or give the name or address which to be false, shall be punished by fine not out of one hundred Baht.

Section 368. Whoever, being informed of an order of an official given according to the power invested by law, refuses to comply with the same without any reasonable cause or excuse, shall be punished with imprisonment not exceeding ten days or fined not exceeding five hundred Baht, or both.

If such order is an order authorised by law requiring a person to assist in carrying on the activities in the function of an official, the offender shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 369. Whoever, to act by any means causing the notification, poster or document posted up or exhibited by the official in the exercise of oneself's duty or by oneself's order, to be pulled down, or rendered useless, shall be fined not out of five hundred Baht.

Section 370. Whoever, creates a noise, causes a noise or disturbance without a reasonable cause so as to frighten or trouble the public, shall be punished with fined not exceeding one hundred Baht.

Section 371. Whoever, carries arms in a town, village or public way openly or without a reasonable cause, or carries arms in a gathering assembled for worship, entertainment or any other purpose, shall be punished with fined not exceeding one hundred Baht, and the Court, shall have the power to forfeit such arms.

Section 372. Whoever, quarreling in the public way or place, or causing by any other means to disturb in the public way or place, shall be fined not out of five hundred Baht.

Section 373. Whoever, having the duty to control and to take care of an insane person, allows such insane person to wander about alone, shall be punished with fined not exceeding five hundred Baht.

Section 374. Whoever, to see the other person to be in the danger of life, which oneself may help so without the danger to oneself or the other person, but oneself does not assist, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

Section 375. Whoever, obstructing or causing the inconvenience to the public drain, watercourse or sewer, shall be fined not out of five hundred Baht.

Section 376. Whoever, unnecessarily fires a gun in a town, village or an other place where there is conglomeration of people, shall be punished with imprisonment not exceeding ten days or fined not exceeding five hundred Baht, or both.

Section 377. Whoever, having in his care a ferocious or vicious animal, allows it to wander about alone in a manner likely to cause injury to a person or things, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 378. Whoever, drinking the spirituous liquor or the other intoxicant up to be drunk, and behaving in the riotous manner, or to be unable to control oneself in any public road or place, shall be fined not out of five hundred Baht.

Section 379. Whoever, in the course of a fight, draws or shows up arms, shall be punished with imprisonment not exceeding ten days or fined not exceeding five hundred Baht, or both.

Section 380. Whoever, causing the water in the well, pond or reservoir provided for public using to be filthy, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

Section 381. Whoever, cruelly ill-treats or kills an animal with unnecessary sufferings, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 382. Whoever, overworking the animal unreasonably or using it to do the unsuitable work on account of it to be old or young, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

Section 383. Whoever, being called by an official to render assistance in case of fire or other public calamity, fails to comply with such call when he is able to do so, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 384. Whoever, alarms the public by maliciously circulating false reports, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 385. Whoever, without the lawful permission, unnecessarily obstructing the public way by placing or leaving thereon any thing or by acting by any means up to it may interfere with the safety or convenience of traffic, shall be fined not out of five hundred Baht.

Section 386. Whoever, digging the hole or groove, or erecting or placing the cumbersome thing along the public way without the lawful permission, or doing so lawfully but neglecting to show the proper signal to prevent the accident, shall be fined not out of five hundred Baht.

Section 387. Whoever, hangs, installs or places any thing in a manner likely to fall or tumble down and cause injury, dirtiness or trouble to a passer-by in a public way, shall be punished with fined not exceeding five hundred Baht.

Section 388. Whoever, doing any shameful act in public by indecently exposing oneself's person, or by committing the other indecent act, shall be fined not out of five hundred Baht.

Section 389. Whoever, by any means whatever, causes a hard substance to fall on any place in a manner likely to cause harm, trouble or nuisance to a person or to cause danger a thing, or by any means whatever, causes a filthy thing to dirty or likely to dirty a person or thing, or maliciously causes a filthy thing to be a trouble or nuisance, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 390. Whoever, causing bodily or mental harm to the other person by negligence, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

Section 391. Whoever, commits an act of violence not amounting to bodily or mental harm to the other person, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 392. Whoever, puts a person in fear or in fright by threat, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 393. Whoever, insulting the other person in his presence or by publication, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

*Section 393 amended by Article 9 of the Order (No. 41) of the National Administrative Reform Council in B.E. 2519.*

Section 394. Whoever, chases, drives away or allows any animal to enter a garden, field or farm of the other person, which is prepared, sown or covered with crop, or which contains a produce, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 395. Whoever, having in his care any animal, allows it to enter a garden, field or farm of the other person, which is prepared, sown or covered with crop, or which contains a produce, shall be punished with fined not exceeding five hundred Baht.

Section 396. Whoever, leaving the carcass able to be bad to smell on or near the public way, shall be fined not out of five hundred Baht.

Section 397. Whoever, in a public place or before the public, does, by any means whatever to annoy or bully the other person, or causes the other person to be ashamed or troubled, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

Section 398. Whoever, doing by any means to torment the child not yet over fifteen years of age, sick person or aged person being to depend such person in subsistence or any thing else, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

*Section 398 amended by Section 8 of the Act Amending the Criminal Code (No. 8), B.E. 2530.*