

Act  
Promulgating Criminal Code  
B.E. 2499

BHUMIBOLADULYADEJ, REX.

Given on the 13<sup>th</sup> day of November, B.E. 2499;  
Being the 11<sup>th</sup> year of the present Reign

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

Whereas it is expedient to revise criminal law, because, since the promulgating of criminal law in B.E. 2451, the circumstance in the Country has 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 Representative, as follows:

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

**Section 2.** This Act shall come into force after the date of its

publication in the Government Gazette\*

**Section 3.** Criminal Code annexed to this Act shall come into force as and from the 1<sup>st</sup> of January, B.E. 2500

**Section 4.** Upon coming into force of Criminal Code, Criminal Law in B.E. 2451 shall be repealed.

**Section 5.** Upon coming into force of Criminal Code, in the case where any law provides punishment by referring to the punishment of the petty offences in 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 a fine of not exceeding one hundred baht;

If it refers to the punishment Class 2, it means a fine of not exceeding five hundred baht;

If it refers to the punishment Class 3, it means imprisonment of not exceeding ten days or a fine of not exceeding five hundred baht, or both;

If it refers to the punishment Class 4, it means imprisonment of not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 6.** Upon coming into force of Criminal Code, in case of imprisonment in lieu of fine by any law, the provisions of Criminal Code shall be applied regardless of what is provided by such law. Except offences committed before coming into force

of 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 the measure of safety according to Section 46 of Criminal Code, the provisions of Criminal Procedure Code shall be applied as if it is a criminal offence. But it is prohibited to detain a person in the stage of inquiry exceeding forty-eight hours as from the time when arrested person arrives at the office of the administrative or the police station, 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 Criminal Code, whenever the provisions of any law refer to Criminal Law in B.E. 2451, or refer to the provisions of Criminal Law in B.E. 2451, it shall be deemed that the provisions of such law refer to Criminal Code, or the provisions of Criminal Code in the sections with the same implication, as the case may be.

**Counter-signature**

**Field-Marshal P. Pibulsongkarm**

**Prime Minister**

# CRIMINAL CODE

## BOOK I

### General Provisions

#### TITLE I

#### Provisions Applicable for General Offences

#### Chapter I

#### Definitions

**Section 1.** According to This Code:

- (1) "Dishonestly" means to acquire any advantages, for himself or herself or for other persons, to which he or she is not entitled to by law;
- (2) "Public way" means 'roads' or waterways used by public for traffic purposes including railways or tramways used for public transportation;
- (3) "Public place" means any place where public has a right of entry;
- (4) "Dwelling" means a place used for a purpose of dwelling such as a house, building, boat, floating house in which persons dwell including areas of such dwelling irrespective

of whether it is fenced or not;

- (5) "Weapons" includes anything which is not a weapon by nature but it is used or with intent to use as a weapon for causing grievous bodily harm;
- (6) "Harm", means to harm against the body or mind of a person whether it is done by physical force or by any other means including any act causing a person to be under a state of being unable to resist whether it is done by drugs causing intoxication, by hypnotism or by any other similar means;
- (7) "Document" means a piece of paper or any other materials used to convey, the meaning by letters, figures, chart, or any other design whether it is made by way of printing, photographing or by any other means to be used as an evidence of such meaning;
- (8) "Official document" means a document made or certified by officials in the course of his or her duty including a copy of such document which is certified by officials in the course of his or her duty;
- ( 9 ) "Document of right" means a document used as ah evidence of creation, alteration, transfer, reservation and extinction of right;
- (10) "Signature" includes fingerprints and marks which a person used in substitution of his or her signature;
- (11) "Night" means the period between sunset and sunrise;
- (12) "Custody" means holding in custody, detention, confinement or imprisonment;
- (13) "Ransom" means any asset or benefit demanded or given

in exchange for the freedom of the abducted; held or confined persons;

(14)\* "Electromagnetic record" means

(a) Any document or: other materials irrespective of whether it is arranged in any form which issuers issue to a person who is eligible to make use of it, whether or not the name is specified, by recording data or code by methods of applied electron, electric, electromagnetic wave or any other similar methods which includes applying methods of lights or electromagnet to convey the meaning through letters, figures, codes, card numbers or any other symbols, irrespective of whether it is recognizable by human eyesight.

(b) Data, codes, account numbers, electronic set number or mathematic tools which issuers issue to a person who is eligible to make use of it without producing any document or any other materials to such person but the methods used are of similar to the methods as provided in (a); or

(c) Any other materials which is combined with electronic data to explain a relationship between a person and the electronic data with the objective to identify the owner of such data;

(15)\*\* "Passport" means an important document of a person irrespective of whether it is arranged in any form which Thai Government,' foreign government, or international organization issues to any person to identify the identity of such person while traveling internationally, and it

in includes the documents used in substitute of passports or a form of passport which the information of the person holding a passport is not yet filled in.

## Chapter II

### Application of Criminal Laws

**Section 2.** Any person shall be criminally punished only when such person commits an act the law in force at the time of committing provides an offence and provides punishment, and the punishment to be imposed upon such offender shall be that provided by the law.

According to the law provides afterwards/if such act is no longer an offence, the person committing such act shall be released from being an offender, and if there is a final judgment sentencing the punishment, it is deemed that such person has never been convicted by the judgment for committing such offence. If such person is undertaking the punishment, the punishment shall be terminated.

**Section 3.** If the law in force 'at the time of committing the offence differs from the law in force after the time of committing the offence, the law which is, in any way, more favourable to the offender shall be applied, unless the case is final. However, where the case is final, it shall be as follows:

- (1) If the offender has not undertaken the punishment, or is undertaking the punishment, and the punishment imposed by the judgment is heavier than the punishment provided by the law afterwards, when it appears to the Court or when the offender, the legal representative or the guidance of such person or the Public Prosecutor makes a request, the Court shall re-determine the punishment according

to "the law provided afterwards. In re-determining the punishment by the Court, if it appears that the offender undertakes some part' of the punishment, the Court, after taking in to account the punishment provided by the law afterwards, if the court thinks it is necessary, may determine less punishment than the minimum punishment provided by the law afterwards, if any, or if in the Court opinion the punishment undertaken by the offender is sufficient, the Court may release the offender;

- (2) If the Court imposes the offender the death penalty and according to the law provided afterwards,' the punishment of such offence is not as heavy as death penalty, the execution of the offender shall be terminated and it shall be deemed that the death penalty according to the judgment has been changed to be the maximum punishment to be imposed under the law provided afterwards.

**Section 4.** Whoever commits an offence in the Kingdom shall be punished according to the law.

An offence committed in any Thai vessel or aeroplane, irrespective of place at where such Thai vessel or aeroplane may be located, shall be deemed as being committed in the Kingdom.

**Section 5.** Any offence which the act is even partially committed in the Kingdom, or the consequence of the act is taken place in the Kingdom as intended by the offender or by the nature of the act, or the consequence should be taken place in the Kingdom, or it could be expected to be taken place in the Kingdom, it shall be deemed that such offence is committed in the Kingdom.

In the case of preparation or attemptation to commit any act provided As an offence under the law, even though it is committed

outside the Kingdom, if the act had carried through the stage of accomplishment of the offence, the consequence would have taken place in the Kingdom; it shall be deemed that such offence is committed in the Kingdom.

**Section 6.** Any offence committed in the Kingdom or is deemed by this Code as being committed in the Kingdom, even though the act of the co-principal, the supporter or the instigator of the offence is committed outside the Kingdom, it shall be deemed that the principal the supporter, or the instigator commits the offence in the Kingdom.

**Section 7.** Whoever commits the following offences outside the Kingdom shall be punished in the Kingdom:

- (1) Offences relating to the security of the Kingdom as provided in Sections 107 to 129;
- (1/1)\* Offences relating to terrorism as provided in Section 135/1, Section 135/2, Section 135/3, and Section 135/4;
- (2) Offences relating to counterfeit 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) Offences relating to robbery as provided in Section 339 and offences relating to gang-robbery as provided in Section 340 which are committed in the. high seas.

**Section 8.** Whoever commits an offence outside the Kingdom shall be punished in the Kingdom, if :

- (a) The offender is a Thai national and the Government where the offence has taken place or the injured person makes a request for punishment; or
- (b) The offender is a foreigner and the Thai Government or a Thai national being the injured person and makes a request for punishment.

If the offence is any of, the following, the offender shall be punished in the Kingdom: .

- (1) Offences relating to causing public dangers as provided in Section 217, Section 218, Section 221 to Section 223, except in case of offences relating to the first paragraph of Section 220, Section 224, Section 226, Section 228 to Section 232, Section 237 and Section 233 to Section 236, only if in the case of being liable to the punishment according to Section 238;
- (2) Offences against documents as provided in Section 264, Section 265, Section 266 (1) and (2), Section 268 except in the case of offences relating to Section 267 and Section 269;
- (2/1)\* Offences against electromagnetic records as provided in

Section 269/1 to Section 269/7;

- (2/2)\* Offences against passports as provided in Section 269/8 to Section'269/15;
- (3) Offences relating to sexuality as provided in Section 276, Section 280 and Section 285, only if in the case of Offences relating to Section 276;
- (4) Offences against life as provided in Section 288 to Section 290;
- (5) Offences against body as provided in Section 295 to Section 298;
- (6) Offences of abandonment of children, sick persons, or elders as provided in Section 306 to Section 308;
- (7) Offences against freedom as provided in Section 309, Section 310, Section 312 to Section 315, and Section 317 to Section 320;
- (8) Offences of theft and snatch as provided in Section 334 to Section 336;
- (9) Offences of extortion, blackmail, robbery and gang-robbery as provided in Section 337 to Section 340;
- (10) Offences of fraud as provided in Section 341 to Section 344, Section 346 and Section 347;
- (11) Offences of misappropriation as provided in Section 352

to Section 354;

- (12) Offences of receiving stolen property, as, provided in Section 357;
- (13) Offences of mischief as provided in Section<sup>58</sup> to Section 360.

**Section 9.** Any official of the Thai Government commits the offences as provided in Section 147 to Section 166, and Section 200 to Section 205 outside the Kingdom shall be punished in the Kingdom.

**Section 10.** Whoever commits an act outside the Kingdom which is an offence as provided in Section 7 (2) and (3), Section 8, and Section 9, shall not be re-punished for such act in the Kingdom, if:

- (1) Final judgment of a foreign Court acquits such person; or
- (2) A foreign Court convicts such person and such person being discharged from the punishment.

If the sentenced person has undertaken the punishment for committing such act by the decision of the foreign Court, but is not yet discharged from the punishment the Court may impose such person less punishment to any, extent than that provided by the law for such offence, or may not impose the punishment at all after having considered the punishment of such person already taken.

**Section 11.** Whoever commits an offence in the Kingdom or commits an offence considered by this code as being committed in the Kingdom, if such person has undertaken the punishment rendered by the foreign Court in whole or in part for such act, the Court may impose such person less punishment to any extent than that provided by the law for such offence, or may

not impose punishment at all after having considered the punishment of such person already taken.

In the case where a person committing an offence in the Kingdom, or committing an offence considered by this Code as being committed in the Kingdom has been prosecuted in the foreign Court at the request by Thai Government, such person shall not be re-punished in the Kingdom for the same act, if :

- (1) Final judgment of a foreign Court acquits such person; or
- (2) A foreign Court convicts such person and such person being discharged from the punishment.

**Section 12.** The measures of safety are applicable to any person only when allowed by the law and the law to be applied shall be the law in force at the time the court rendering the judgment.

**Section 13.** If under the law provides afterwards, the measures for safety has been repealed and any person has undertaken the measures of safety, the Court shall terminate the application of such measures of safety when it appears to the Court or when the offender, the legal representative or the guidance of such person or the Public Prosecutor makes a request.

**Section 14.** In the case where any person has undertaken the measures for safety and under the law provides afterwards, the conditions under the application of measures of safety have been changed resulting in inability to apply such measures of safety to such person, or it may be applicable, but the application of such measures of safety under the law provides afterwards is

more favourable to such person, when it appears to the Court or when the offender, the legal representative or the guidance of such person or the Public Prosecutor makes a request to repeal the application of such measures of safety or request to undertake the sentences according to the law; as the case may be, the Court shall have a power to order, as the Court may think fit.

**Section 15.** If under the law provides afterwards, any punishment has been changed to be measures of safety and there is a judgment imposing such punishment on any person, it shall be deemed that the punishment is a measures of safety.

In the case as prescribed in the first paragraph, if the punishment has not yet been undertaken by such person, or such person has undertaken the punishment, the measures of safety shall be applied to such person further. If under the law provides afterwards, there is any condition for the Court to order the measures of safety which may not be applicable to such person, or may be applicable but the application of the measures of safety' under the law provided afterwards is more favourable to such person, when it appears to the Court or when the offender, the legal representative or the guidance of such person or the Public Prosecutor makes a request to repeal the application of such measures for safety or to undertake the sentences according to the law, as the case may be, the Court shall have the power to order, as the Court may think fit.

**Section 16.** When the Court renders a judgment to apply measures of safety to any person, if it appears to the Court

afterwards by. the submission of such person, the legal representative, or the guidance of such person, or the Public Prosecutor that the circumstances regarding the application have been changed, the Court may temporarily repeal or terminate the application of the measures of safety to such person, as the Court may think it fit.

**Section 17.** The provisions specified in BOOK I of this Code shall be applied to offences according to other laws, unless such laws provide otherwise.

**Chapter III**  
**Punishments and Measures of Safety**  
**Part I**  
**Punishments**

**Section 18.** Punishments to be imposed on a person committing an offence are as follows:

- (1) Death penalty;
- (2) Imprisonment;
- (3) Confinement;
- (4) Fine;
- (5) Forfeiture of Property.

Death penalty and imprisonment for life shall not be imposed on any person committing an offence who is not over eighteen years of age.

In the case where a person is not over eighteen years of age committing an offence to be punishable with the death penalty or lifetime imprisonment, it shall be deemed that such punishment

is changed to the imprisonment for fifty years.\*

**Section 19.\*\*** Any person sentenced to death shall be injected or intoxicated to death.

Rules and procedures for death penalty shall be in accordance with regulations prescribed by Ministry of Justice and published in Government Gazette.

**Section 20.** Punishments determined by laws to be punishable with the punishment of both imprisonment and fine, the Court may, if it thinks necessary, impose only the punishment of imprisonment.

**Section 21.** In calculating the period of imprisonment, the first day of imprisonment shall be included and shall be counted as a full day, irrespective of the number of hours.

If the period for calculation is determined in month, it shall be counted as thirty days for a month. If it is determined in years, it shall be calculated according to the official calendar.

When the sentenced person completes the period of imprisonment, the release of such person shall be taken place on the day following the completion of the period of imprisonment.

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

In the case of the judgment providing otherwise, the imprisonment after adding the number of days in custody prior to the judgment of the Court in such case, shall not exceed the maximum punishment of the offences as provided by the law. This shall not, however, affect the provision under Section 91.

**Section 23.** Whoever commits an offence punishable with imprisonment, and in such case the imprisonment to be imposed by the Court does not exceed three months, if such person has not undertaken the imprisonment previously, or such person has undertaken imprisonment previously but it is the punishment for an offence committed by negligence, or for a petty Offence, the Court may impose the punishment of confinement for not exceeding three months in lieu of imprisonment.

**Section 24.** Whoever imposed with the punishment of confinement shall be held in a determined place of confinement which is not a prison, police station, or a place used by the police to detain the accused person in the custody.\*

The Court may, if it thinks fit, determine in the judgment to confine the offender in his or her own dwelling or in a dwelling of another person who consents to accept him or her, or any other places suitable for confinement for his or her kind and condition.

If it appears to the Court that the confinement of a person imposed with the punishment of confinement in the place of confinement as prescribed in paragraph one or paragraph two, may be detrimental to such person or may excessively cause any trouble for living to any person who is dependent on the person imposed with the punishment of confinement or any other special

circumstances indicating an inappropriateness of confinement of such person in such places. The Court may order to confine the person imposed with the punishment of confinement in any other places which is not a dwelling of such person with consent of the owner or a person holding such premise. In this case, the Court shall have a power to determine conditions requiring the person imposed with the punishment of confinement to follow and if such owner or a person holding such premise consents, the Court may appoint such person to be a supervisor and it shall be deemed that the appointed person is also an official according to this code.\*

**Section 25.** Any person imposed with the punishment of confinement in a determined place shall be fostered by such place under rules and regulations of such place. Such person shall have a right to obtain food from outside at his or her own expense, to use his or her own clothes, to be visited for at least one hour a day and to receive and send letters.

Any person imposed with the punishment of confinement must work according to the rules, regulations, and disciplines. If such person desires to do other works, he or she shall be permitted to do so according to the category of work applied by him or her, provided that it is not contrary to the rules, regulations, disciplines or safety of such place.

**Section 26.** If the person imposed with the punishment of confinement is confined in his or her own dwelling, or in a dwelling of another person who consents to accept him or her, such person shall have a right to carry on his or her profession or occupation in the aforesaid place. In this case, the Court may determine any condition requiring him or her to do anything as

the Court may think it is fit.

**Section 27.\*** If, during the period of confinement undertaken by the person imposed with the punishment of confinement according to Section 23, it appears to the Court itself, or it appears to the Court from the statement of the Public Prosecutor or the supervisor of the place of confinement that:

- (1) the person imposed with the punishment of confinement violates rules, regulations or disciplines of the place of confinement;
- (2) the person imposed with the punishment of confinement does not comply with the conditions determined by the Court; or
- (3) the person imposed with the punishment of confinement is imposed with imprisonment by a judgment of the Court.

The Court may change the punishment of confinement into the punishment of imprisonment for any term as the Court thinks fit, but it shall not exceed the period of confinement which such person would have taken further.

**Section 28.** Any person imposed with the punishment of fine must pay the amount of money as determined in the judgment to the Court.

**Section 29.** If any person imposed with the punishment of fine fails to pay such fine within thirty days as from the day the Court rendered the judgment, his or her property shall be seized to pay for the fine, or such person shall be confined in lieu of fine. But, if the Court has a reasonable cause to suspect that such person is likely to avoid paying the fine, the Court may order such person to arrange a security, or in the mean time may order such person to be confined in lieu of fine.

The provision in the second paragraph of section 24 shall not

be applied to the confinement in lieu of fine.

**Section 30.\*** For a confinement in lieu of fine, it shall be deemed the rate of two hundred baht per day, and irrespective of whether it is one or more counts of the offences, such confinement shall not exceed one year. Except in the case where the Court renders the judgment of fine of eighty thousand baht upwards, the Court may order confinement in lieu of fine for exceeding one year but not exceeding two years.

In calculating such period, the first day of a confinement in lieu of fine shall be included and shall be counted for a full day irrespective of the number of hours.

In the case where the person imposed with the punishment of fine is kept in custody prior to the judgment of the Court, the number of days in custody shall be deducted from the amount of fine at the rate of two hundred baht per day, unless such person imposed with the punishment of both imprisonment and fine. In this case, the number of days in custody shall be initially deducted from the period of imprisonment according to section 22, and the remaining days shall be deducted from the amount of fine.

When a person imposed with the period of confinement in lieu of fine completes the period of confinement, such person shall be released on the day after the period is completed. If the payment of fine is paid in full, such person shall be released immediately.

**Section 30/1.\*\*** In the case where the Court rendered the judgment of fine not exceeding eighty thousand baht, the person imposed

with the punishment of fine who is not a legal person and is unable to pay for the fine, may make a request to the Court of First Instance where the judgment is rendered to do community services or to do public benefit services in lieu of fine.

For deliberating such request according to the first paragraph, if the Court has considered financial status, past record, nature of the offence of the person imposed with the punishment of fine, if the Court thinks it is appropriate, may order such person to do community services or public benefit services in lieu of fine under a supervision of the probation officers, the government officials, the government offices or the organizations with the objectives of community services or public benefit services.

In the case where the Court orders the person imposed with a punishment of fine to do community services or public benefit services in lieu of fine, the Court shall determine the category or the type of works, the supervisor, the beginning day, the period and the number of hours to be counted for a working day, however, the Court must take into account gender, age, past record, religious, behavior, intelligence, education, health, condition of mind, habit, occupation, circumstances or nature of the offence of the person imposed with a punishment of fine altogether. The Court shall have the power to determine conditions requiring the person imposed with the punishment of fine to follow in order to rehabilitate or to prevent such person from re-commission of such offence.

If it appears afterwards to the Court that the circumstances according to community services or public benefit services have changed, the Court may change the order as it thinks fit.

In calculating the period of works in lieu of fine according to the third paragraph. Section 30 shall be applied *mutatis mutandis*

and in the case where the Court does not order the person imposed with the punishment of fine to work continuously, such work must be performed within a period of two years beginning from the first day of work as determined by the Court.

For the benefit of determining the number, of working hours prescribed in the third paragraph, the President of the Supreme Court has power to issue Regulation on Judicial Officials to determine the number of hours to be counted as a full working day for community services or public benefit services for each category as it thinks fit.

**Section 30/2.\*** In the case that after the Court rendered an approval according to section 30/1 and, it appears to the Court itself or by the submission of the plaintiff or the officials that the person imposed with a punishment of fine is able to pay fine during the time he or she makes a request according to section 30/1 or violates or fails to comply with the orders or the conditions determined by the Court, the Court shall repeal such approval and then fine or confine such person in lieu of fine. The number of working days of community services or public benefit services shall be deducted from the amount of the fine.

During the period of community services or public benefit services in lieu of fine, if the person imposed with a punishment of fine has no desire to further such services, he or she may make a request to change. such services into punishment of fine or confinement in lieu of fine. In this case, the Court shall render approval and the number of days of community services or public benefit services shall be deducted from the amount of the fine.

**Section 30/3.\*** The Court orders according to section 30/1

and section 30/2 is final.

**Section 31.** In the case where the Court shall render a judgment imposed the punishment of fine on several offenders for the same offence and in the same case, the Court shall impose the punishment of fine on every individual offender.

**Section 32.** Any property as provided by the law that any person makes or possesses to be an offence shall be entirely forfeit, irrespective of whether, it belongs to the offender and irrespective of whether there is any person imposed with the punishment according to the judgment or not.

**Section 33.** In forfeiting the property, the Court shall, in addition to having the power to forfeit as especially provided by the law, have the power to forfeit the following properties as follows:

- (1) the property used or possessed for use in the commission of an offence by any person;
- (2) the property acquired by any person through a commission of an offence, unless such property belongs to any other person who does not conspire in the commission of an 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 any person to commit an offence, or as a reward to any person for committing an offence, shall be entirely forfeit, unless such properties belong to any other person who does not conspire in the commission of an offence.

**Section 35.** The properties forfeited by the judgment of the Court shall become the properties of the State, but the Court may otherwise decide such properties to be invalid or to be destroyed.

**Section 36.** In the case where the Court ordered 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 or she does not conspire in the commission of the offence, the Court shall give an order to return the properties if such properties are still in the possession of the official. But, the submission of the real owner must be submitted to the Court within one year after the day of the final judgment.

**Section 37.** If the person by whom the Court order to deliver the forfeited property does not deliver such property within the time as determined by the Court, the Court shall have the power to give the order as follows:

- (1) to seize such property;
- (2) to pay for its value or to seize other properties of such person to compensate for its value in full; or
- (3) in the case where the Court is of the opinion that such person is of capable to deliver such property, but does not deliver such property, or such person is of capable to pay for 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 is unable to deliver the property or to pay for its value, the Court may order to release such person before the expiration of such period.

**Section 38.** The punishment shall become terminated by the death of the offender.

## Part II

### Measures of Safety

**Section 39.** The measures of safety are as follows :

- (1) Restriction;
- (2) Prohibition to enter a specified area;
- (3) Order a parole;
- (4) Detention in a hospital;
- (s) Prohibition to carry on certain kinds of occupations.

**Section 40.** Restriction is a detention of a habitual criminal offender within a specified area in order to prevent him or her from committing offences, to correct his or her behavior, and to train him or her of occupation.

**Section 41.** Any person imposed with restriction, or imposed with punishment of imprisonment of not less than six months for not less than twice, in the following offences:

- (1) Offences relating to public order 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 against to life as provided in Sections 288 to 290 and Sections 292 to 294;
- (6) Offences against body as provided ill Sections 295 to 299;
- (7) Offences against freedom as provided in Sections 309 to 320;
- (8) Offences against property as provided in Sections 334 to 340, Section 354 and Section 357.

And, within ten years from the day of discharge of such person from the restriction or from the punishment, as the case may be, such person recommits any of such specified offences and the Court imposes upon such person with the punishment of imprisonment of not less than six months, the Court may deem that such person is a habitual criminal and may impose such person with the punishment of restriction for not less than three years but not exceeding ten years.

The offence committed by an offender who is not over eighteen years of age shall not be deemed as an offence to be taken into account for restriction according to this Section.\*

**Section 42.** In calculating the period of restriction, the day which the Court rendered the judgment is the beginning day of the restriction, but if there are remaining numbers of days for imprisonment or confinement to be taken by the restricted person, such person shall be imprisoned and confined first, and the day following me day of discharge of such person from imprisonment or confinement shall be counted as the day on which the punishment of restriction begins.

The provision of Section 21 shall be applied to the period of restriction and the discharge of restricted person mutatis mutandis.

**Section 43.** The prosecution for restriction is an exclusive power of the Public Prosecutor, and the restriction may be requested together with the prosecution which gives rise to the power to file for restriction, or may be made afterwards.

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

**Section 45.** Whenever the Court renders a judgment imposing punishment on any person, and thinks appropriate for the benefit of public safety, the Court may, irrespective of whether there is a request or not, order in the judgment that, when such person is discharged according to the judgment, such person shall be prohibited to enter into a specified area for a period of not exceeding 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 other persons or to the property belonging to other persons or is likely to cause damage to environment or natural resources under the laws relating to environment and natural resources, and in deliberating any cases, irrespective of whether the Court imposes any punishment upon the prosecuted person or not, there is any reasonable cause to believe that the prosecuted person is likely to cause any danger to other persons or to the property belonging to other persons or is likely to cause any damage to environment or natural resources under the laws relating to environment and natural resources, the Court shall have a power to order such person to submit a

parole in a sum of money not exceeding fifty thousand baht, with or without security, to ensure that such person shall not cause any danger or commit such offences during the period as determined by the Court, but not exceeding two years.

If such person refuses to submit a parole, or is unable to arrange a security, the Court shall have the power to order such person to be confined until such person submit a parole or arrange a security, but such person shall not be confined for a period of exceeding six months, or the Court may prohibit such person to enter a specified area according to Section 45.

The act of a child who is below eighteen years of age shall not be subject to the provisions of this section.

**Section 47.** If a person submitting a parole according to Section 46 breaches the parole, the Court shall have the power to order such person to pay the sum of money not exceeding the amount as determined in the parole. If such person fails to pay, the provisions of section 29 and so shall be applied.

**Section 48.** If the Court is of the opinion that the discharge of any person with mental disability, mental disease, or mental infirmity, who shall not be punished, or whose punishment is reduced according to Section 65 will not be safe for the public, the Court may make an order to send such person to be detained in the hospital. This order may, however, be repealed at any time by the Court.

**Section 49.** In the case where the Court renders the judgment imposing the punishment of imprisonment on any person, or renders the judgment that any person is guilty, but the determination of the punishment or the imposition of the punishment is suspended, the Court may, if it is of opinion that such person committed the offence relating to habitual drunkenness or drug addiction, determine in the judgment that such person shall not consume liquor or take addictive drug, or both of them within

a period of not exceeding two years from the day of discharge or the day of release due to the determination of the punishment or the imposition of the punishment.

In the case where the person as mentioned in the first paragraph fails to comply with the order as determined by the Court, the Court may give an order to send such person to be detained in the hospital for a period of not exceeding two years.

**Section 50.** When the Court renders the judgment imposing the punishment on any person and if the Court is of the opinion that such person commits the offence by taking an opportunity of carrying on his or her occupation or profession, or as a result of carrying on his or her occupation or profession, and is of the opinion that such person may recommit such offence, if such person continues carrying on his or her occupation or profession further, the Court may order in the judgment prohibiting such person from carrying on his or her occupation or profession for a period of not exceeding five years from the day of discharge of such person from the punishment.

### **Part III**

#### **Increase, Reduction and Suspension of Punishment**

**Section 51.\*** To increase punishment, it shall not be increased up to the death penalty, imprisonment for life or imprisonment of a period of exceeding fifty years.

**Section 52.\*\*** To reduce the death penalty, irrespective of whether it is the reduction of the ratio of the punishment, or the reduction of the punishment to be imposed, it shall be reduced as follows:

- (1) If it is to reduce by one thirds, the punishment shall be reduced to imprisonment for life;
- (2) If it is to reduce by one half, the punishment shall be reduced to imprisonment for life or to imprisonment of twenty five to fifty years.

**Section 53.\*** To reduce the imprisonment for life, irrespective of whether it is the reduction of the ratio of the punishment, or the reduction of the punishment to be imposed, it shall be changed into the imprisonment of fifty years.

**Section 54.** In calculating the increase or reduction of the punishment to be imposed, the Court shall determine the punishment to be imposed upon the defendant first, and later increase or reduce the punishment. If there are both increase and reduction of the punishment to be imposed, the punishment shall be increased first and later reduced after the total 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 to be imposed upon the offender is only for a period of three months or less, the Court may determine less punishment of imprisonment, or if the punishment of imprisonment to be imposed upon the offender is only for a period of three months or less and with the punishment of fine, the Court may determine less punishment of imprisonment, or impose only the punishment of fine.

**Section 56.** Whenever any person commits an offence punishable with imprisonment and in such case the Court shall punish him or her with the imprisonment of not exceeding three years, if it does not appear that such person previously undertook the punishment of imprisonment, or if such person previously

undertook the punishment of imprisonment but it is the punishment for an offence committed by negligence or it is a petty offence, the Court may, when taking into consideration of the age, past record, behavior, intelligence, education and training, health, condition of mind, habit, occupation, circumstances or nature of the offence or other mitigating facts, if it thinks fit, render the judgment that such person is guilty, but the determination of the punishment is to be suspended, or the punishment is determined, but the imposition of the punishment is to be suspended, and release such person with or without conditions for supervising his or her behavior, so as to give such person an opportunity to reform himself or herself within a period of time as determined by the Court, but it shall not exceed five years from the day the Court renders the judgment.\*

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

- (1) To report himself or herself to the official specified by the Court from time to time so that the official may make inquiries, give advice, assist or admonish on the behavior and occupation, or may arrange the activities for community services or public benefit services, as the official and the offender think fit;
- (2) To be trained or to carry out an occupation routinely;
- (3) To refrain from associating or behaviors which may lead to the re-commission of the similar offences;
- (4) To cure and heal the addiction of drugs, the defective of body or mind or other illness at the place and the period of time as determined by the Court;

- (5) Other conditions as determined by the Court, as it thinks fit, in order to reform, rehabilitate or prevent the offender from re-commission or from having an opportunity to recommit the offence.\*

Regarding the conditions determined by the Court according to the foregoing paragraph, if, afterwards, it appears to the Court by the submission of the offender, the legal representative or the guardian of such person, the Public Prosecutor or the official that the circumstances relating to behaviour supervisions of the offender have changed, the Court may, if it thinks fit, modify or repeal any of the conditions, or may determine additional conditions as mentioned in the foregoing paragraph which is not yet determined.

**Section 57.** Whenever it appears to the Court itself, or from the statement of the Public Prosecutor or the official that the offender fails to comply with the conditions as determined by the Court according to Section 56, the Court may admonish the offender, or may determine the punishment which is not yet determined, or may impose the suspended punishment.

**Section 58.** Whenever it appears to the Court itself, or from the statement of the Public Prosecutor or the official that, within the period of time as determined by the Court according to Section 56, the sentenced person commits an offence which is not any offence committed by negligence or a petty offence, and the Court renders the judgment imposing the punishment of imprisonment for such offence, the Court rendering the judgment in the latter case shall determine the punishment not yet determined in the prior case and add it to the punishment in

the latter case, or add the punishment which the imposition has been suspended in the prior case to the punishment in the latter case, as the case may be.\*

But, if within the period of time as determined by the Court according to Section 58, such person has not committed any offence as mentioned in the first paragraph, such person shall be exempted from being determined the punishment or being imposed with the punishment in that case, as the case may be.

## **Chapter IV**

### **Criminal Liability**

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

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

If the doer does not know the fact constituting to the elements of the offence, it could not presume that the doer desired or could have foreseen the effect of such doing.

To act by negligence is to commit an offence unintentionally but without exercising due care as might be expected from a person under such conditions and circumstances, and the doer

was able to exercise such care but did not sufficiently do so. An act shall also include any consequence brought about by the omission which must be done in order to prevent such consequence.

**Section 60.** Whoever intends to commit an act against a person, but the effect of such act occurs to another person mistakenly, it shall be deemed that such person intentionally commits such act against the person who suffers from the harmful effect of such doing. But, in the case where the law provides for the imposition of heavier punishment on account of individual status or the relation between the doer and the person suffering from the harmful effect, such law shall not be applied so as to impose the heavier punishment upon the doer.

**Section 61.** Whoever intends to commit an act against a person, but commits such act against another person by misunderstanding, such person could not regard the misunderstanding as an excuse that such person did not commit such act intentionally.

**Section 62.** 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 misunderstands 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 the ignorance of the fact according to the third paragraph of Section 59, or the misunderstanding as to the existence of the fact according to the first paragraph has taken place by the negligence of the offender, the doer shall be liable for committing the offence by negligence where the law specifically provides that the doer shall be criminally liable for the act when

committing by negligence.

A person shall be imposed with heavier punishment depending on any fact only when such person must have known of such fact.

**Section 63.** If the result of the commission of any offence causes the doer to be imposed with heavier punishment, such result must be the result which may ordinarily occur.

**Section 64.** Ignorance of law shall not excuse any person from criminal liability. But, if the Court is of the opinion that, according to the nature and the circumstances, the offender may not have known that the law has provided such act to be an offence, the Court may allow such person to present evidence before him or her, and if the Court believes that the doer does not know that the law has so provided, the Court may impose less punishment to any extent than that provided by the law for such offence.

**Section 65.** Whoever commits an offence at the time of being unconscious or being unable to control himself or herself due to defective mind, mental disease, or mental infirmity, such person shall not be punished for such offence.

However, if the offender is partially conscious or is partially able to control himself or herself, such person shall be punished for such offence, but the Court may impose less punishment to any extent than that provided by the law for such offence.

**Section 66.** Intoxication by consuming liquor, or any other intoxicant may not be regarded as an excuse under Section 65, except where such intoxication is consumed without knowledge that it would cause intoxication, or against his or her will, and such person has committed the offence at the time of being

unconscious or being unable to control himself or herself, the offender shall then be exempted from the punishment of such act. But, if such person is partially conscious or is partially able to control himself or herself, the Court may impose 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 due to necessity:

- (1) When such person is under coercion, or under influence of force that such person is unable to avoid or resist; or
- (2) When such person acts in order to make himself or herself or other persons to escape from an imminent danger which is unable to avoid by any other means, and which such person does not cause such danger by his or her own fault, provided that the act is not carried out in excess of what is reasonable necessary under the circumstances.

**Section 68.** Whoever commits any act for the defense of his or her right or for a right of other persons so as to avoid a danger arising from a harmful act which violates the law and such danger is imminent, such act, if reasonably carried out under such circumstances, is a lawful defense, and such person shall not be guilty.

**Section 69.** In the case as provided in Section 67 and Section 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 impose less punishment to any extent than that provided by the law for such offence. But, if such act is carried out by excitement, fright or fear, the Court may not impose any punishment at all.

**Section 70.** Any person shall not be punished for an act carried out in accordance with an order of an official, even though such order is unlawful, if such person has a duty or believes in good faith that he or she has a duty to comply with such order, unless such person knows that such order is unlawful.

**Section 71.** If the offences as provided in Section 334 to the first paragraph of Section 336, 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 or her descendant or by a descendant against his or her ascendant or by a brother or a 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 impose less punishment to any extent than that provided by the law for such offences.

**Section 72.** Whenever any person commits an offence against the person who causes provocation at the time of being provoked, the Court may impose upon such person less punishment to any extent than that provided by the law for such offence.

**Section 73.\*** A child, not yet over ten years of age commits an act that the law provided as an offence, shall not be punished. The inquiry official must deliver such child aforementioned in the first paragraph to the official as provided under the child protection law in order to implement the child welfare protection as provided by such law.

**Section 74.** A child over ten years but not yet over fifteen years of age commits an act that the law provided as an offence, shall not be punished, but the Court shall have the power as follows:

- (1) To admonish the child and then release him or her, and if the Court thinks fit, may summon the parents or the guardian or the person with whom the child is residing to be given an admonition;
- (2) If the Court is of the opinion that the parents or the guardian are capable of supervising the child, the Court may give an order to deliver the child to his or her parents or his or her guardian by determining the conditions that the parents and the guardian to keep the child from committing the harmful act in a specified period of time as prescribed by the Court but not exceeding three years, and determining a sum of money, as it thinks fit, which the parents or the guardian must pay to the Court but not exceeding ten thousand baht for each time when the child commits the harmful act.

If the child resides with a person other than his or her parents or guardian, and the Court thinks it is not appropriate to summon the parents or the guardian to impose the aforesaid condition, the Court may summon the person with whom the child resides to be questioned as to whether or not he or she will accept the conditions similar to that prescribed for the parents or the guardian as aforesaid. If the person with whom such child resides consents to accept such conditions, the Court shall give an order to deliver the child to such person by imposing the aforesaid conditions.

- (3) In the case where the Court deliver the child to his or her parents, the guardian or the person with whom the child resides according to (2), the Court may determine the conditions for supervising behavior of the child similar to as provided in Section 58. In such case, the Court shall appoint a probation officer or any other official to supervise

behaviour of the child.

- (4) If the child has no parents or guardian, or has, but the Court is of the opinion that they are unable to supervise the child, or if the child resides with a person other than his or her parents or guardian, and such person refuses to accept the conditions as set out in (2), the Court may give an order to deliver the child to a person or an organization, as the Court thinks fit, to supervise, to train, to give instruction in a specified period of time as prescribed by the Court provided that the consent was made by such person or organization. In such case, such person and organization shall have similar power as that of the guardian only for the purpose of supervising, training, and giving instruction as well as the power to determine a place to live and to provide a suitable job or to implement the child welfare protection as provided by such law; or
- (5) To send such child to a school or a place for training and instruction or a place established for training and instruction in a specified period of time as prescribed by the Court but not exceed a period of time the child taken to complete eighteen years of age.\*

The orders of the Court as provided in (2), (3), (4) and (5), if, at any time within a period of time as prescribed by the Court, it appears to the Court itself, or it appears from the submission of the person of interest, the Public Prosecutor, the person or the organization which the Court delivers the child for supervising, training, and giving instruction, or the officials, 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 as provided by this Section.

**Section 75.\*** Whoever, over fifteen years of age but below eighteen 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 factors concerning such person in order to decide whether or not it is reasonable to render a judgment to impose a punishment upon such person. If the Court is of the opinion not to render a judgment to impose a punishment, it shall proceed according to Section 74, or if the Court is of the opinion to render a judgment to impose a punishment, it shall reduce the ratio of punishment as set out for such offence by one half.

**Section 76.\*** Whoever, over eighteen years of age but not over twenty years of age, commits any act provided by the law to be an offence, the Court may, if it thinks fit, reduce the ratio of punishment as set out for such offence by one thirds or one half.

**Section 77.** In the case where the Court imposes the conditions requiring the parents or the guardian or the person with whom the child resides to keep the child from committing the harmful act according to Section 74 (2), if the child commits the harmful act in a prescribed period of time, the Court shall have the power to order the parents, the guardian, or the person with whom the child resides, to pay a sum of money not exceeding the amount as determined in such condition within a period of time as the Court thinks fit. If the parents, the guardian, or the person with whom the child resides fails to pay the money, the Court may give an order to seize the properties of the parents, the guardian, or the person with whom the child resides for payment of what must be paid.

In the case where the Court order the parents, the guardian, or the person with whom the child resides to pay the sum of money according to such conditions, if the Court does not modify

the order imposing such conditions according to the last paragraph of Section 74 to be otherwise, such conditions shall remain in force until the period of time prescribed in such conditions terminates.

**Section 78.** When it appears that there is a mitigating circumstance, irrespective of whether or not there is an increase or a reduction of punishment according to the provisions of this Code or other laws, the Court may, if it thinks fit, reduce the punishment to be imposed upon the offender by not more than one half.

Mitigating circumstances includes the offender being lack of intelligence, being in a serious distress, having a previous good conduct, feeling guilty and trying to minimize the harmful effect of the offence, voluntary surrendering to an official, giving useful information to the Court for the benefit of trial, other circumstances which the Court considers to be of similar nature.

**Section 79.** In the case of an offence punishable with fine only, if the person alleged of having committed an offence pays the maximum fine prescribed for such offence before the commencement of hearing evidences before the Court, the case shall be terminated.

## **Chapter V**

### **Attempt**

**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 provided by the law for such offence.

**Section 81.** Whoever does an act with the intent to achieve the result which the law provided as an offence, if such doing of act is certainly incapable of achieving its end due to the factors employed in the doing, or due to the object aimed at, is deemed to attempt to commit an offence, and shall be imposed with the punishment of not more than one half of die punishment as provided by the law for such offence.

If the act referred in the first paragraph is carried out with blind belief, the Court may not impose the punishment at all.

**Section 82.** Whoever attempts to commit an offence, on his or her own accord, discontinues carrying it through, or changes his or her mind and prevents the act from achieving its end, shall not be punished for such attempt to commit the offence. But, if what he or she has already done is an offence provided by the law, he or she shall be punished for such offence.

## Chapter VI Principals and Supporters

**Section 83.** Any offence is committed by two persons upwards, those who taking part in the commission of me offence are said to be principals, and shall be liable to the punishment provided by the law for such offence.

**Section 84.** Whoever, irrespective of whether by employment, compulsion, threat, hire, asking for a favour, 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 be imposed with the punishment as a principal. If the offence is not committed, irrespective of whether it is because the employed person does not consent to commit, or has not yet committed, or by any other reasons, the instigator shall be liable to only one thirds of the punishment provided for such offence.

**Section 85.** Whoever advertises or announces to the general public to commit an offence and such offence 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 due to the advertisement or the announcement according to the first paragraph, the person who made such advertisement or announcement, shall be imposed with the punishment as a principal.

**Section 86.** Whoever, by any means, does any act to assist or facilitate the commission of an offence of another person, before or at the time of commission of the offence, even though the offender does not know of such assistance or facilitation, is said to be a supporter of such offence, and shall be liable to two thirds of the punishment provided for such offence.

**Section 87.** In the case where the commission of an offence is committed due to a person being employed by another person to commit an offence according to Section 84, or due to a person advertising or announcing to general public to commit an offence according to Section 85, or having supporters according to Section 86, if the offence is committed by the offender beyond the scope of employment, advertisement or announcement, or in excess of the intention of the supporter, the instigator, the person advertising or announcing to general public to commit an offence or the supporter of the commission of 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 intention of the employment, advertisement or announcement or within the scope of the intention of the supporter of the commission of the offence only. But, by taking into account of all circumstances, it may be foreseen that such offence may be committed by the employment, advertisement or announcement, or the supporting, the instigator, the person advertising or announcing to general public to commit an offence or the supporter of the commission of the offence, as the case may be, shall be criminally liable for the offence committed.

In the case where the employed person, the person doing the act according to the advertisement or announcement to general public to commit an offence, or the principal shall be criminally liable for heavier punishment due to the effect of the commission of the offence, the instigator, the person advertising or announcing to general public to commit an offence or the supporter of the commission of the offence, as the case may be, shall be criminally liable for the offence with such heavier punishment. But, by the nature of the offence, the offender shall be criminally liable for heavier punishment only when the offender must know or foresee that such offence would have been taken place. The instigator, the person advertising or announcing to general public to commit an offence or the supporter of the commission of the offence shall be criminally liable for the offence with heavier punishment only when he or she knows or could have foreseen that such effect might occur.

**Section 88.** If the offence, which is employed, advertised or announced to general public to commit an offence or supported, is conducted up to the stage of commencement, but due to the intervention of the instigator, the person advertising or announcing to general public to commit an offence, or the supporter, the offender is unable to carry it through, or is able

to carry it through but does not achieve its end; the instigator, the person advertising or announcing to general public to commit an offence, shall be liable only for what is provided in the second paragraph of Section 84, or in the first paragraph of Section 85, as the case may be, while the supporter shall not be punished.

**Section 89.** If there is any other personal mitigating circumstance allowing the exclusion, reduction, or increase of punishment to any offender, it shall not be applied such circumstance to any other offender involving to the commission of the offence. But, if such circumstance allowing the exclusion, reduction, or increase of punishment is a circumstance relating to the nature of the offence, it shall be applied to each offender involving to the commission of the offence.

## Chapter VII Concurrence of Offences

**Section 90.** Any act is an offence violating several provisions of the law, the provision prescribing the heaviest punishment shall be applied to the offender.

**Section 91.\*** If it appears that any offender commits several distinct and different offences, the Court shall impose the offender the punishment prescribed for each offence. But, irrespective of whether there is an increase of punishment, reduction of punishment, or reduction of the ratio of punishment or not, the total punishment of the offences shall not exceed the following:

- (1) Ten years, in case of the heaviest offence punishable with maximum imprisonment of not exceeding three years.
- (2) Twenty years, in case of the heaviest offence punishable with maximum imprisonment of exceeding three years upwards, but not exceeding ten years.
- (3) Fifty years, in case of the heaviest offence punishable with maximum imprisonment of exceeding ten years upwards, unless the Court imposes the offender the imprisonment for life.

## Chapter VIII Re-commission of Offences

**Section 92.** Whoever, by the final judgment of the prior offence, being imposed with the punishment of imprisonment, commits any subsequent offence during the time of undertaking punishment, or within a period of five years as from the date of discharging from the punishment, if the Court of the subsequent offence shall impose the punishment of imprisonment, the punishment to be imposed upon him or her, shall be increased by one thirds of the punishment as determined by the Court of the subsequence offence.

**Section 93.** Whoever, by the final judgment of the prior offence, being imposed with punishment of imprisonment, commits any subsequent offence as specified in the following sub-sections, during the time of undertaking the punishment, or within a period of three years as from the date of discharge from the punishment, and both the prior and the subsequent offences falling under the similar sub-section, and if the Court of the prior offence imposes punishment of imprisonment of not less than six months, and the Court of the subsequent offence shall

impose the punishment of imprisonment, the punishment to be imposed upon him or her shall be increased by one half of the punishment as determined by the Court of 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) Offences committed in public office as provided in Sections 147 to 166;
- (4) Offences against the judicial officials as provided in Sections 167 to 192 and Section 194;
- (5) Offences committed in judicial office as provided in Sections 200 to 204;
- (6) Offences relating to public order 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 against currencies as provided in Sections 240 to 249, and offences against seals, stamps, and tickets as provided in Sections 250 to 261, and offences against 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 of procuring abortion as provided in Sections 301 to 303, and offences of abandonment of children, sick persons or elders as provided in Sections 306 to 308;
- (12) Offences against freedom as provided in Sections 309, Section 310 and Sections 312 to 320;
- (13) Offences against property as provided in Sections 334 to 365.

**Section 94.\*** An offence committed by negligence, a petty offence and an offence committed by the offender while below eighteen years of age, irrespective of whether it is committed in a prior offence or in a subsequent offence, shall not be deemed as an offence to increase the punishment under the provisions of this Chapter.

## **Chapter IX**

### **Periods of Prescription**

**Section 95.** In criminal cases, 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 periods of prescription is terminated:

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

If the offender is prosecuted and brought to the Court, but the offender escapes or is insane, and the Court orders a suspension of trial until a specified period of time is expired as from the date of escape, or the date that the Court ordering a suspension of trial, it shall be deemed that the period of prescription is likewise terminated.

**Section 96.** Subject to Section 95, in the case of compoundable offences, if the injured person does not make a complaint to the police within a period of three months as from the date of knowing the offences and knowing the offender, the periods of prescription is terminated.

**Section 97.** In filing for restriction, if the filing to be made after the prosecution which is a basis for filing for such restriction, it must be filed within a period of six months as from the date of prosecution of such case, otherwise the period of prescription is terminated.

**Section 98.** If any person convicted by a final judgment has not yet undertaken the punishment, or has not completely undertaken the punishment due to the escape, if such person is not obtained to undertake the punishment as from the date of final judgment or from the date of escape, as the case may be, the execution of

punishment shall be expired and the punishment shall not be imposed upon such person:

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

**Section 99.** If the seizure of property for payment of fine, or a confinement in lieu of fine is not made within five years as from the judgment became final, the seizure of property for payment of fine, or a confinement in lieu of fine could not be made. The provisions of the first paragraph shall not be applied to the confinement in lieu of fine made continuously to the punishment of imprisonment.

**Section 100.** If the final judgment is rendered in order to restrict any person and such person has not yet been restricted, or has not completely undertaken the complete restriction period due to the escape, and the period of three years is expired as from the date of discharge, and such person completely undertook the punishment, or the execution of punishment is expired, or as from the date of escape during the time of restriction, the restriction period shall be expired and such person shall not be restricted.

**Section 101.** If the execution of the order of the Court in connection with Section 46 or the request to the Court to grant an order of payment when the person applying for a parole fails to comply with the parole as stated in Section 47 is not made within two years from the day that the order was made or the day that the failure of compliance with the parole took place, such execution or request shall be precluded.

**TITLE II**  
**Provisions Applicable to Petty Offences**

**Section 102.** Petty offences are offences punishable with imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 103.** The provisions of Title I, apart from the three following Sections, shall also apply to petty offences.

Section 104. Unless otherwise provided in the relating provisions, the commission of petty offences under this Code is guilty, although it is committed without intention.

Section 105. Whoever attempts to commit any petty offence shall not be punished.

Section 106. The supporter to the commission of any petty offence shall not be punished.

BOOK II  
Specific Offences

TITLE I  
Offences Relating to the Security of  
the Kingdom

Chapter I  
Offences against the King, the Queen, the  
Heir to the Throne and the Regent

**Section 107.** Whoever assassinates the King shall be liable to the death penalty.

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

Whoever does any act in preparation of assassinating the King or assists, by any means, in keeping in secret when knowing that there is a person who prepares to assassinate the King shall be liable to imprisonment for life.

**Section 108.** Whoever does harm to the King or the liberty of His Majesty shall be liable to the death penalty or imprisonment for life.

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

Where the said offence is committed in a manner likely to

cause the life of His Majesty to be endangered, the offender shall be liable to the death penalty.

Whoever does any act in preparation of doing harm to the King or the liberty of His Majesty or assists, by any means, in keeping in secret when knowing that there is a person who prepares to do harm to the King or the liberty of His Majesty shall be liable to imprisonment from sixteen years to twenty years.

**Section 109.** Whoever assassinates the Queen, the Heir to the Throne or the Regent shall be liable to the death penalty.

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

Whoever does any act in preparation of assassinating the Queen, the Heir to the Throne or the Regent, or assists, by any means, in keeping in secret when knowing that there is a person who prepares to assassinate the Queen, the Heir to the Throne or the Regent shall be liable to imprisonment from twelve years to twenty years.

**Section 110.** Whoever does harm to the body or the liberty of the Queen, the Heir to the Throne or the Regent shall be liable to imprisonment for life or imprisonment from sixteen years to twenty years.

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

Where the said offence is committed in a manner likely to cause the life of the Queen, the Heir to the Throne or the Regent to be endangered, the offender shall be liable to the death penalty or imprisonment for life.

Whoever does any act in preparation of doing harm to the body

or the liberty of the Queen, the Heir to the Throne or the Regent, or assists, by any means, in keeping in secret when knowing that there is a person who prepares to do harm to the body or the liberty of the Queen, the Heir to the Throne or the Regent shall be liable to imprisonment from twelve years to twenty years.

**Section 111.** The supporter to the commission of any offence under Section 107 to Section no shall be liable to the same punishment as a principal in such offence.

**Section 112.\*** Whoever defames, insults, or expresses a grudge against the King, the Queen, the Heir to the Throne or the Regent shall be liable to imprisonment from three years to fifteen years.

## Chapter II Offences against the Internal Security of the Kingdom

**Section 113.** Whoever does any harm or threatens that any harm will be done for any of the following purposes:

- (1) Abolish or change the Constitution;
- (2) Abolish the legislative power, the executive power or the judicial power under the Constitution, or cause such powers to be unexercised; or
- (3) Separate territory of the Kingdom or seize the administration

power in any part of the Kingdom,  
is said to commit the offence of insurrection, and shall be  
liable to the death penalty or imprisonment for life.

**Section 114.** Whoever collects forces or weapons, prepares or conspires to commit insurrection, commits any offence which is a part of a plot for the commission of insurrection, incites the people to commit insurrection, or assists by any means in keeping in secret when knowing that there is a person who prepares to commit insurrection shall be liable to imprisonment from three years to fifteen years.

**Section 115.** Whoever incites any soldier or policeman to abandon his or her official service, to neglect to execute his or her duty, or to commit rebelliousness shall be liable to imprisonment for not exceeding five years.

Where such offence is committed with intent to weaken the discipline and capacity of the military forces or police forces, the offender shall be liable to imprisonment for not exceeding ten years.

**Section 116.** Whoever commits any act appeared to the people by words, writing or by any other means which is not done in the scope of the intention of the Constitution or which is not done in order to express any opinion or criticize in good faith for the purpose of:

- (1) Causing alteration in the Laws of the State or the Government by the use of force or by doing harm;
- (2) Causing unrest or disobedience among the people in a manner likely to cause disorder in the Kingdom; or
- (3) Causing the people to violate the Laws of the State, shall

be liable to imprisonment for not exceeding seven years.

**Section 117.** Whoever incites for or brings about a strike, lock out or boycott on the trade or business with any person with intent to cause alteration in the Laws of the State in order to coerce the Government or threaten the people shall be liable to imprisonment for not exceeding seven years or a fine of not exceeding fourteen thousand baht, or both.

Whoever knowing such intent participates or assists in the strike, lock out or boycott on the trade or business with any person, shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Whoever knowing such intent does any harm, threatens that any harm will be done, or threatens by any other means in order to cause another person to participate or assist in the strike, lock out or boycott on the trade or business with any person shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Section 118.\* Whoever does any act to any flag or emblem which symbolizes the State in order to insult the Nation shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Chapter III**  
**Offences against the External Security**  
**of the Kingdom**

**Section 119.** Whoever does any act in order to subject the Kingdom or any part of the Kingdom to the sovereign power of a foreign State or to subvert the independence of the Kingdom shall be liable to the death penalty or imprisonment for life.

**Section 120.** Whoever conspires with any person who acts for the benefit of any foreign State with intent to cause such foreign State to exercise aimed force against the Kingdom, or to bring about any hostile situation against the Kingdom shall be liable to imprisonment for life or imprisonment from ten years to twenty years.

**Section 121.** Any Thai who goes to battle against his or her Country or sides with the enemy of the Country shall be liable to the death penalty or imprisonment for life.

Section 122. Whoever does any act in order to support the battle or the preparation for the battle of the enemy of the Country shall be liable to imprisonment from five years to fifteen years.

Where such support is rendered by any of the following means:

- (1) Causing any fort, military camp, airport, war conveyance, vehicle, way, thing used for communication, armaments, foodstuff, dock, building, or any other thing used for the purpose of war to be inoperative or to be possessed by

- the enemy of the Country;
- (2) Inciting any soldier to omit to perform his or her duty, to commit mutiny, to abandon the government service, or to breach the discipline;
  - (3) Committing espionage, leading, or guiding the way to committing espionage to the enemy of the Country; or
  - (4) Doing by any other means to afford military advantage to the enemy of the Country in the battle, the offender shall be liable to the death penalty or imprisonment for life.

**Section 123.** Whoever does any act in order to obtain any information, document or anything which is kept in secret for the security of the Country shall be liable to imprisonment for not exceeding ten years.

**Section 124.** Whoever does any act in order to allow another person to know or acquire any information, document or anything which is kept in secret for the security of the Country shall be liable to imprisonment for not exceeding ten years.

Where such offence is committed while the Country is in the battle or war, the offender shall be liable to imprisonment from five years to fifteen years.

Where the offences under the two previous paragraphs are committed in order to render benefit to any foreign State, the offender shall be liable to the death penalty or imprisonment for life.

**Section 125.** Whoever counterfeits, artificially makes, detains, conceals, covers up, removes, causes damage, destroys, loses, or makes the uselessness of any document or blueprint which concerns to the interest of the State in the international affairs shall be liable to imprisonment for not exceeding ten years.

**Section 126.** Whoever entrusted by the Government to carry out affairs of the State with the Government of any foreign State dishonestly fails to perform the affairs, such person shall be liable to imprisonment from one year to ten years

**Section 127.** Whoever does any act outside the Country to cause danger in the Country shall be liable to imprisonment for not exceeding ten years.

Where the danger occurs, the offender shall be liable to the death penalty, imprisonment for life or imprisonment from two years to twenty years.

**Section 128.** Whoever prepares or attempts to commit any offence in this Chapter shall be liable to the same punishment as prescribed for such offence.

**Section 129.** The supporter to the commission of any offence in this Chapter shall be liable to the same punishment as a principal in such offence.

#### **Chapter IV**

#### **Offences against the Friendly Relations with Foreign States**

**Section 130.** Whoever does harm to the body or the liberty of the King, the Queen, the Consort, the Heir to the Throne or the Head of any foreign State which has the friendly relations with the Kingdom shall be liable to imprisonment from one year to fifteen years.

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

**Section 131.** Whoever does harm to the body or the liberty of the accredited Representative of any foreign State shall be liable

to imprisonment for not exceeding ten years.

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

**Section 132.** Whoever assassinates or attempts to assassinate any of the persons as listed in Section 130 or Section 131 shall be liable to the death penalty or imprisonment for life.

**Section 133.\*** Whoever defames, insults, or expresses a grudge against the King, the Queen, the Consort, the Heir to the Throne or the Head of any foreign States shall be liable to imprisonment from one year to seven years or a fine of two thousand baht to fourteen thousand baht, or both.

**Section 134.\*** Whoever defames, insults, or expresses a grudge against the accredited Representative of any foreign State shall be liable to imprisonment from six months to five years or a fine of one thousand baht to ten thousand baht, or both.

**Section 135.\*** Whoever does any act to any flag or emblem which symbolizes any foreign State which has the friendly relations with the Kingdom in order to insult such State shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

TITLE I /I\*  
Offences Relating to Terrorism

**Section 135/1.** Whoever does any act amounting to any of the following criminal offences:

- (1) Doing harm or doing any act to endanger the life or to cause serious danger to the body or freedom of any person;
- (2) Doing any act to cause serious damage to public transportation system, telecommunication system or infrastructure system which is provided for public interest;
- (3) Doing any act to cause damage to any property of any State or of any person, or to environment which causes or is likely to cause material economic damage.

Where such act is done with intent to terrorize or force the Thai Government, the Government of any foreign State or any international organization to take any action or not take any action which may cause serious damage or a disturbance, by means of causing scare to the people, is said to commit the offence of terrorism and shall be liable to the death penalty, imprisonment for life or imprisonment from three years to twenty years and a fine of sixty thousand baht to one million baht.

Any act done in the demonstration, assembly, protest, opposition or action taken for the purpose of calling for assistances or fairness from the State which is the exercise of the liberty in

accordance to the Constitution is not the commission of the offence of terrorism

Section 135/2. Whoever: -

- (1) threatens to commit acts of terrorism by having any circumstance which is likely to cause the belief that such person will act as he or she threatened; or
- (2) collects forces or weapons, procures or gather properties, receives the training for terrorism, does any preparation or conspires to commit acts of terrorism or any offence which is a part of the plan for committing acts of terrorism, incites the people to participate in acts of terrorism, or assists by any means to keep in secret when knowing that there is a person who prepares to commit acts of terrorism,

such person shall be liable to imprisonment from two years to ten years and a fine of forty thousand baht to two hundred thousand baht.

Section 135/3. The supporter to the commission of any offence under Section 135/1 or Section 135/2 shall be liable to the same punishment as a principal in such offence.

Section 135/4. Whoever is a member of an association which is determined by the resolution or declaration of the Security Council of the United Nations to be the association committing acts of terrorism and the Thai Government has declared the recognition of such resolution or declaration shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding one hundred forty thousand baht.

TITLE II  
Offences Relating to Public  
Administration

Chapter I  
Offences against Officials

**Section 136.\*** Whoever insults an official in the execution of his or her duty or because of having executed his or her duty shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 137.** Whoever reports any false information to any official in a manner likely to cause danger to another person or the people shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

**Section 138.\*\*** Whoever commits an act of assault or obstruction against any official or any person who is required by law to assist any official in the execution of his or her duty shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

Where such act of assault or obstruction is committed by means of doing harm or threatening that any harm will be done, the offender shall be liable to imprisonment for not exceeding two

years or a fine of not exceeding four thousand baht, or both.

**Section 139.** Whoever extorts any official to wrongfully discharge or omit to discharge the performing of any duty in his or her office by means of doing harm or threatening that any harm will be done shall be liable to imprisonment for not exceeding four years or a fine of not exceeding eight thousand baht, or both.

**Section 140.\*** Where the offence under the second paragraph of Section 138 or Section 139 is committed by carrying or using weapons, or by doing in joint action by three persons upwards, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where such offence is committed by referring to the power of a secret society or an unlawful assembly, irrespective of its existence, the offender shall be liable to imprisonment from two years to ten years and a fine of four thousand baht to twenty thousand baht.

Where the offence under this Section is committed by carrying or using gun or explosive, the offender shall be liable to the heavier punishment than that as prescribed in the two previous paragraphs by one half.

**Section 141.** Whoever removes, damages, destroys or makes the uselessness of a seal or a mark of attachment which has been affixed on anything by an official in the execution of his or her duty as evidence of the seizure, attachment or safekeeping of such thing shall be liable to imprisonment for not exceeding

two years or a fine of not exceeding four thousand baht, or both.

**Section 142.** Whoever causes damage, destroys, conceals, takes away, loses or makes the uselessness of any property or document which is seized or ordered to be submitted as evidence by any official, or which is used for lawful enforcement, whether the official keeps such property or document himself or herself or requests such person or any other person to submit or keep it, shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 143.** Whoever demands, accepts or agrees to accept any property or benefit for himself or herself, or for any other person in return for inducing or having induced any official, member of the National Legislative Assembly, member of the Provincial Assembly or member of the Municipal Assembly by dishonest or unlawful means or by influencing with his or her unjust power to discharge or omit to discharge of any duty in his or her office, in a manner to advantage or disadvantage any person, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 144.** Whoever grants, offers to grant, or promises to grant any property or benefit to any official, member of the National Legislative Assembly, member of the Provincial Assembly or member of the Municipal Assembly with intent to persuade such person to wrongfully discharge, omit to discharge or delay the performing of any duty in his or her office shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 145.** Whoever impersonates of an official and acts as an official despite the fact that he or she is not an official who

has lawful power to do so shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

Any official who has been ordered to discontinue the performing of any duty in his or her office violates such order by continuing to perform the duty in such office shall be liable to the same punishment as prescribed in the first paragraph.

**Section 146.** Whoever is not entitled to dress with the uniform or insignia of any official, member of the National Legislative Assembly, member of the Provincial Assembly or member of the Municipal Assembly, or is not entitled to use any official title, official rank, decoration or thing which symbolizes a decoration, does so in order to cause another person to believe that he or she has the right to do such act shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

## **Chapter II**

### **Offences Committed in Public Office**

**Section 147.** Any official in charge of purchasing, producing, managing or safekeeping any property dishonestly converts to his or her own or for a third person, or dishonestly allows any other person to misappropriate such property shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 148.\*** Any official wrongfully exercises power in his or her office by extorting or inducing any person to grant or procure any property or benefit to or for himself or herself, or any other person shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht; or the death penalty.

Section 149.\*\* Whoever is an official, a member of the National Legislative Assembly, a member of the Provincial Assembly or a member of the Municipal Assembly demands, accepts or agrees to accept any property or benefit for himself or herself, or for any other person for discharging or omitting to discharge of any duty in his or her office, whether such act is wrongful according to his or her duty or not, shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht; or the death penalty.

**Section 150.\*\*\*** Any official discharges or omits to discharge of any duty in his or her office in return for any property or benefit that he or she has demanded, accepted or agreed to accept before he or she being appointed to such position shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 151.\*** Any official in charge of purchasing, producing, managing or safekeeping any property dishonestly exercises power in his or her office in a manner to cause danger to the State, the Municipality, the Sub - Municipality or the owner of such property shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 152.\*\*** Any official in charge of managing or supervising any affair takes advantage, in the nature of conflict of interests in such affair, for the benefit of himself or herself, or any other person shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

Section 153.\*\*\* Any official in charge of distributing any property distributes such property in excess of what should be distributed for the benefit of himself or herself, or any other person shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

**Section 154.\*\*\*\*** Any official in charge of, or professing that he or she is in charge of, collecting or auditing taxes, duties, fees or any other sum dishonestly collects or omits to collect such taxes, duties, fees or sum; or does any act or omits to do

any act with intent to cause any person who has the duty to pay such taxes, duties or fees to be exempted from the payment or to pay for lesser amount than what such person has to pay, shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 155.\*** Any official in charge of assessing the price of any property or goods for the purpose of collecting taxes, duties or fees in accordance with the law dishonestly assesses the price of such property or goods with intent to cause any person who has the duty to pay such taxes, duties or fees to be exempted from the payment or to pay for lesser amount than what such person has to pay shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 156.\*\*** Any official in charge of accounting audit in accordance with the law dishonestly advises, does any act or omits to do any act in order to cause an omission of making entry in the accounts, makes false entry in the accounts, alters the accounts, conceal, or makes false evidence as the entry in the accounts which may result in the exemption of taxes, duties or fees or the payment of lesser amount than it has to be paid shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht.

**Section 157.\*** Any official wrongfully executes or omits to execute his or her duty with intent to cause damage to any person, or dishonestly executes or omits to execute his or her duty shall be liable to imprisonment from one year to ten years or a fine of two thousand baht to twenty thousand baht, or both.

**Section 158.** Any official causes any damage, destroys, conceals, takes away, loses or makes the uselessness of any property or document of which he or she is in charge of handling or safekeeping, or allows any other person to do so, shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 159.** Any official in charge of handling or safekeeping any property or document wrongfully discharges the performing of any duty by removing, damaging or making the uselessness of a seal or mark of attachment which has been affixed on such property or document by an official in the execution of his or her duty as evidence of the seizure or the safekeeping of such thing, or allows any other person to do so, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 160.** Any official in charge of safekeeping or using the seal or impression of such seal of the official services or of another person wrongfully discharges the performing of any duty by using the seal or impression of such seal, or allows any other person to do so in a manner likely to cause damage to

any person or the people shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 161.** Any official in charge of making a document, filling any information in a document or safekeeping a document forges a document by taking advantage from his or her opportunity of having such duty shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding twenty thousand baht.

**Section 162.** Any official in charge of making a document, receiving a document or filling any information in a document does any of the following acts in performing of his or her duty:

- (1) Certify as evidence which is false that he or she does any act or any act is done in his or her presence;
- (2) Certify as evidence that there is notification of any information while there is no such notification;
- (3) Omit to record any statement that he or she has a duty to record, or alter any statement recorded in his or her duty;
- (4) Certify any false fact as evidence where the document appearing such fact is to be used for proving as the truth, shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand Baht.

**Section 163.** Any official who has the duty in the post, telegraph and telephone services does any of the following wrongful acts in performing of his or her duty:

- (1) Unseal or allow another person to unseal a letter or anything

sent by post or telegraph;

- (2) Cause damage, destroy, lose, or allow another person to cause damage, destroy or lose a letter or anything sent by post or telegraph;
- (3) Detain, send to the wrong direction or send to any person with the knowledge that such person is not the right person that should receive a letter or anything sent by post or telegraph; or
- (4) Disclose any information which is sent by post, telegraph or telephone,

shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 164.** Any official who knows or may know the official secret wrongfully discharges the performing of any duty by any means in order to cause another person to know such secret shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 165.** Any official in charge of executing the law or an order of the Court which is given for executing the law prevents the process, or resists the execution of such law or order shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both

**Section 166.** Any official abandons any work or does any act to cause delay or damage to any work by doing in joint action by five persons upwards shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand bath, or both.

Where the offence is committed with intent to cause alteration in the Laws of the State, to coerce the Government or to threaten the people, the offender shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding twenty thousand baht.

### TITLE III

#### Offences Relating to Public Justice

##### Chapter I

#### Offences against the Judicial Officials

**Section 167.** Whoever gives, offers to give or agrees to give any property or benefit to an official in the position of a judge, a Public Prosecutor, an official instituting a case or an inquiry official with intent to persuade such person to wrongfully discharge, omit to discharge or delay the performing of any duty in his or her office shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 168.** Whoever refuses to comply with the lawful requisition of a Public Prosecutor, an official instituting a case or an inquiry official that requests such person to come and make a statement shall be liable to imprisonment for not exceeding three months or a fine of not exceeding five hundred baht, or both.

**Section 169.** Whoever refuses to comply with the lawful requisition of a Public Prosecutor, an official instituting a case or an inquiry official that requests such person to submit or

manage to submit any property or document, to take an oath, to make a pledge or to make a statement shall be liable to imprisonment for not exceeding three months or a fine of not exceeding five hundred baht, or both.

**Section 170.** Whoever refuses to comply with the lawful writ or order of the Court which requests such person to come and make a statement, to come and give testimony, or to submit any property or document in any judicial proceeding shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

**Section 171.** Whoever refuses to comply with the lawful order of the Court which requests such person to take an oath, to make a pledge, to make a statement or to give testimony shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

**Section 172.** Whoever reports any false information in relation to criminal offences to a Public Prosecutor, an official instituting a case, an inquiry official or an official who has the power to investigate criminal cases in a manner likely to cause danger to another person or the people shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 173.** Whoever knowing that no criminal offence has been committed reports to an inquiry official or any official who has the power to investigate criminal cases that any offence has been committed, such person shall be liable to imprisonment for not exceeding three years and a fine of not exceeding six thousand baht.

**Section 174.** Whoever reports any information in accordance with Section 172 or Section 173 with intent to maliciously cause any person to be subjected to the measures of safety shall be liable to imprisonment for not exceeding three years and

a fine of not exceeding six thousand baht.

Where the offence under the first paragraph is committed with intent to maliciously cause any person to be punished or to be inflicted with heavier punishment, the offender shall be liable to imprisonment for not exceeding five years and a fine of not exceeding ten thousand baht.

**Section 175.** Whoever uses any false information to maliciously cause another person to be charged with any criminal offence in the Court or to be charged with heavier offence shall be liable to imprisonment for not exceeding five years and a fine of not exceeding ten thousand baht.

**Section 176.** Whoever committed the offence under Section 175 but repents of such wrongdoing, and manages to withdraw or amend the charge before the judgment of the Court is given, the Court may impose less punishment to any extent than that as prescribed by law or may not impose any punishment on the offender at all.

**Section 177.** Whoever gives false testimony which is the essential issue of the case to the Court in any judicial proceeding shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence under the first paragraph is committed in a criminal judicial proceeding, the offender shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 178.** Any person being requested by an official in the position of a judge, a Public Prosecutor, an official instituting a case or an inquiry official to translate any statement or meaning willfully provides a wrong translation of such statement or meaning in the essential matter; such person shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 179.** Whoever fabricates false evidence to cause an inquiry official or an official who has the power to investigate criminal cases to believe that any criminal offence has been committed or to believe that the more serious criminal offence than the reality has been committed shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 180.** Whoever adduces or presents any false evidence which is the essential issue of the case in a judicial proceeding shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where the offence under the first paragraph is committed in a criminal judicial proceeding, the offender shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 181.** Where the commission of the offences under Section 174, Section 175, Section 177, Section 178 or Section 180:

- (1) appears in the case where the punishment imposed on the accused for the charge is imprisonment for three years upwards, the offender shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht;
- (2) appears in the case where the punishment imposed on the accused for the charge is the death penalty or imprisonment for life, the offender shall be liable to imprisonment from one year to fifteen years and a fine of two thousand Baht to thirty thousand baht.

**Section 182.** Whoever has committed the offence under Section 177 or Section 178 but repents of such wrongdoings, and manages to report the truth to the Court or an official prior to the finish of making the statement or translation, the offender shall not be punished.

**Section 183.** Whoever has committed the offence under Section 177, Section 178 or Section 180 but repents of such wrongdoings, and manages to report the truth to the Court or an official before the judgment of the Court is given and before he or she is charged with the offence committed, the Court may inflict less punishment to any extent than that as prescribed by law.

**Section 184.** Whoever, for the purpose of assisting any person to free from the punishment or to be inflicted with less punishment, causes damage, destroys, conceals, takes away, loses or makes the uselessness of evidence of the offence committed shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 185.** Whoever causes damage, destroys, conceals, takes away, loses or makes the uselessness of any property or document submitted to the Court or kept by the Court in a judicial proceeding shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 186.** Whoever causes damage, destroys, conceals, takes away, loses or makes the uselessness of any property forfeited by the judgment of the Court shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 187.** Whoever, for the purpose of preventing the execution of judgment or an order of the Court, causes damage, destroys, conceals, takes away, loses or makes the uselessness of any property which is seized or attached, or which he or she knows likely to be seized or attached, shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 188.** Whoever causes damage, destroys, conceals, takes away, loses or makes the uselessness of any will or document of another person in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding five years and a fine of not exceeding ten thousand baht.

**Section 189.** Whoever assists another person who committed or is accused of committing any offence which is not a petty offence in order that such person will be saved from punishment, by means of procuring him or her a dwelling, concealing or assisting him or her by any means in order that he or she will not be arrested shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 190.\*** Whoever escapes from the custody under the power of the Court, a Public Prosecutor, an inquiry official or an official who has the power to investigate criminal cases shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where the offence under the first paragraph is committed by breaking away from the place of custody, by doing harm, by

threatening that any harm will be done or by doing in joint action by three persons upwards, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence under this Section is committed by carrying or using gun or explosive, the offender shall be liable to the heavier punishment than that as prescribed in the two previous paragraphs by one half.

**Section 191.\*** Whoever does by any means to cause any person who is in the custody under the power of the Court, a Public Prosecutor, an inquiry official or an official who has the power to investigate criminal cases to be released from such custody shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the person so released from such custody is the person who was sentenced by any Court to death, imprisonment for life or imprisonment for fifteen years upwards, or in the case where three persons upwards so escaped from such custody, the offender shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

Where the offence under this Section is committed by doing harm, by threatening that any harm will be done, or by carrying or using gun or explosive, the offender shall be liable to the heavier punishment than that as prescribed in the two previous paragraphs by one half.

**Section 192.** Whoever procures a dwelling, conceals or renders assistance by any means to any person who escapes from the custody under the power of the Court, an inquiry official or an official who has the power to investigate criminal cases for the purpose of assisting such person not to be arrested shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 193.** Where the offence under Section 184, Section 189 or Section 192 is committed in order to help his or her father, mother, child, husband or wife, the Court may not inflict any punishment upon the offender.

**Section 194.** Whoever being sentenced to be prohibited from entering into the specified area in accordance with Section 45 enters into such area shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand Baht, or both.

**Section 195.** Whoever escapes from a nursing home where he or she is detained under an order of the Court in accordance with Section 4.9 shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

**Section 196.** Whoever violates a prohibition order of the Court which is given in the judgment in accordance with Section 50 shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

**Section 197.** Whoever does any harm, threatens that any harm will be done, gives or agrees to give any benefit in order to hinder or obstruct any public auction by an official on the account of a judgment or an order of the Court shall be liable to imprisonment for not exceeding six months or a fine of not

exceeding one thousand baht, or both.

**Section 198.\*** Whoever insults the Court or a judge in the trial or adjudication of a case, or obstructs the trial or adjudication of a case shall be liable to imprisonment from one year to seven years or a fine of two thousand baht to fourteen thousand baht, or both.

Section 199. Whoever stealthily buries, conceals, removes or destroys a whole or part of a corpses in order to conceal the birth, the death or the cause of death shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

## Chapter II Offences Committed in Judicial Office

**Section 200.** Any official in the position of a Public Prosecutor, an official instituting a case, an inquiry official or an official who has the power to investigate criminal cases or to execute criminal warrants wrongfully performs any act or omits to perform any act in his or her office for the purpose of assisting any person to free from the punishment or to be inflicted with less punishment shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

Where the purpose of such performance or omission to perform

is to maliciously cause any person to be punished, to be inflicted with heavier punishment or to be subjected to the measures of safety, the offender shall be liable to imprisonment for life or imprisonment from one year to twenty years, and a fine of two thousand baht to forty thousand baht.

**Section 201.\*** Any official in the position of a judge, a Public Prosecutor, an official instituting a case or an inquiry official demands, accepts or agrees to accept any property or benefit for himself or herself, or for any other person for discharging or omitting to discharge of any duty in his or her office, whether such act is wrongful according to his or her duty or not, shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht, or the death penalty.

**Section 202.\*\*** Any official in the position of a judge, a Public Prosecutor, an official instituting a case or an inquiry official performs any act or omits to perform any act in his or her office in consideration of any property or any benefit that he or she has demanded, accepted or agreed to accept before he or she being appointed to such position shall be liable to imprisonment from five years to twenty years or imprisonment for life, and a fine of two thousand baht to forty thousand baht, or the death penalty.

**Section 203.** Any official in charge of executing a judgement or an order of the Court prevents or obstructs the execution of such judgement or order shall be liable to imprisonment for

not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 204.** Any official in the position and function of controlling and taking care of any person who is in the custody under the power of the Court, an inquiry official or an official who has the power to investigate criminal cases causes such person to be released from the custody by any means shall be liable to imprisonment from one year to seven years and a fine of two thousand baht to fourteen thousand baht.

Where the person so released from such custody is the person who has been sentenced by any Court to the death penalty, imprisonment for life or imprisonment of fifteen years upwards, or in the case where three person upwards are released from such custody, the offender shall be liable to imprisonment from two years to ten years and a fine of four thousand baht to twenty thousand baht.

**Section 205.** Where the offence as prescribed in Section 204 is committed by negligence, the offender shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

Where the person so released from the custody by negligence is the person who has been sentenced by any Court to the death penalty, imprisonment for life or imprisonment of fifteen years upwards, or in the case where three person upwards are released from such custody, the offender shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where the offender causes the person so released from the custody to be retaken within three months, the punishment inflicted upon such offender shall be remitted.

**TITLE IV**  
**Offences Relating to Religion**

**Section 206.\*** Whoever does by any means to an object or a place held sacred in any religion of any group of people in a manner likely to insult such religion shall be liable to imprisonment from one year to seven years or a fine of two thousand baht to fourteen thousand baht, or both.

**Section 207.** Whoever causes a disturbance at any assembly of persons who believe in religion during a lawful holding of a conference, religious worship or any religious ceremony shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 208.** Whoever wrongfully dresses or makes use of any symbol which represents for a Buddhist priest or novice, an ascetic or a clergyman of any religion in order to cause another person to believe that he or she is such person shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**TITLE V**  
**Offences Relating to Public Order**

**Section 209.** Whoever is a member of an association which conceals its administration and has its objective for unlawful affairs is said to commit the offence of being a member of a secret society, and shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

Where the offender is the chief, the manager, or the person who holds any position in such secret society, the offender shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding twenty thousand baht.

**Section 210.** Whoever conspiring with other five persons upwards in order to commit any offence as prescribed in Book II of this Criminal Code and the punishment stipulated for such offence is imprisonment with the maximum of one year upwards, is said to commit the offence of being a member of an unlawful assembly, and shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where it is the conspiracy for committing any offence punishable with the death penalty, imprisonment for life or imprisonment with the maximum of ten years upwards, the offender shall be liable to imprisonment from two years to ten years and a fine of four thousand baht to twenty thousand baht.

**Section 211.** Whoever attends any meeting of a secret society or an unlawful assembly, such person is said to commit the offence of being a member of a secret society or an unlawful assembly, unless such person is able to prove successfully that he or she attended the meeting without the knowledge that it was the meeting of the secret society or the unlawful assembly.

any harm, threaten that any harm will be done, or do by any means to cause disorder in the society, every such person shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

Where any of the offenders carries weapons, all the offenders shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

Where the offender is the chief or the person who has a duty to command in the commission of the offence, such offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 216.** Whoever commits the offence in accordance with Section 216 and does not disperse when an official orders him or her to do so shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

## TITLE VI Offences Relating to Causing Public Dangers

**Section 217.** Whoever sets fire to any property belonging to another person shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

**Section 218.\*** Whoever sets fire to:

- (1) a house, a boat, or a raft used as a dwelling;
  - (2) a house, a boat, or a raft used as a shed for keeping or producing goods;
  - (3) a house of entertainment or a convention venue;
  - (4) a building which is a public property, a public place, or a place for holding any religious ceremony;
  - (5) a railway station, an airport or a public car park or mooring;
  - (6) a steam boat or a motor boat of five tons upwards, an aircraft or a train used for public transportation,
- shall be liable to the death penalty, imprisonment for life or imprisonment from five years to twenty years.

**Section 219.** Whoever prepares for the commission of the offence as prescribed in Section 217 or Section 218 shall be liable to the same punishment as attempting to commit such offence.

**Section 220.** Whoever causes fire to any material even belonging to himself or herself in a manner likely to cause danger to another person or any property of another person shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

Where, the commission of the offence under the first paragraph causes fire to any property as listed in Section 218, the offender shall be liable to the same punishment as prescribed in Section 218.

**Section 221.** Whoever causes an explosion in a manner likely to cause danger to another person or any property of another person shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 222.** Whoever causes an explosion in a manner likely to cause danger to any property as listed in Section 217 or Section 218 shall be liable to the same punishment as prescribed in such relating Section.

**Section 223.** Where the offence under Section 217, Section 218, Section 220, Section 221 or Section 222 is committed upon a dangerous property or a property that is likely to be dangerous which is of little value, and such commission is not likely to cause danger to any person, the offender shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 224.\*** Where the commission of the offence under Section 217, Section 218, Section 221 or Section 222, causes death to another person, the offender shall be liable to the death penalty or imprisonment for life.

Where it causes grievous bodily harm on another person, the offender shall be liable to the death penalty, imprisonment for life or imprisonment from ten years to twenty years.

**Section 225.** Whoever causes fire through negligence and thereby causes damage to any property of another person or likely to cause another person a danger of death shall be liable to imprisonment for not exceeding seven years or a fine of not

exceeding fourteen thousand baht, or both.

**Section 226.** Whoever does by any means to a house, a dock, a public car park or mooring, a buoy, a construction, a machine, a mechanical device, electronic wire or anything made with intent to protect persons or properties in a manner likely to cause danger to any person shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 227.** Any person having profession in designing, superintending, constructing, repairing or removing any building or construction does not comply with rules or methods which shall duly undertake, in a manner likely to cause danger to any person, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 228.** Whoever does by any means with intent to cause flood or any obstruction to the supply of water for public utility, where such act is likely to cause danger to any person or any property of another person, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the commission of the offence under the first paragraph causes danger to any person or any property of another person, the offender shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

**Section 229.** Whoever, by any means, causes a public way, a sluice, a dam or an embankment which is a part of any public way or place for aircrafts to take off or to land, to be in a condition likely to cause danger to the traffic shall be liable to imprisonment for not exceeding five years or a fine of not

exceeding ten thousand baht, or both.

**Section 230.** Whoever places anything to obstruct a railway or a tramway causing such railway or tramway to be come off, loosen or displaced, or does anything to a set of signal to be likely to cause danger to the running of trains or trams shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

**Section 231.** Whoever, by any means, causes a lighthouse, a buoy, a signal or any other tiling which is provided for the purpose of being a signal for safety of land traffic, navigation or air navigation to be in a condition likely to cause danger to such land traffic, navigation or air navigation shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

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

- (1) a sea-going vessel, an aircraft, a train or a tram;
  - (2) an automobile which is used for public transportation; or
  - (3) a steam boat or a motor boat of five tons upwards which is used for public transportation,
- shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

**Section 233.** Whoever uses any conveyance to transport passengers while its condition or its loading is in a manner likely to cause danger to the passengers of such conveyance

shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 234.** Whoever does by any means to any equipment used in the manufacture, the transmission of electric energy or the supply of water so as to cause lack of convenience to the people or to be in a manner likely to cause danger to the people shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 235.** Whoever, by any means, causes public communication via post, telegraph, telephone or radio to be obstructed shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 236.** Whoever adulterates food, medicine or any other consumer goods with intent to be consumed or used by any other person, and such adulteration is likely to cause danger to health, or sells or offers to sell such adulterated thing for human consumption or use shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 237.** Whoever contaminates food or water that is preserved or provided for public consumption in any well, pond or reservoir with a poisonous substance or any other substance which is likely to cause danger to health shall be liable to imprisonment from six months to ten years and a fine of one thousand baht to twenty thousand baht.

**Section 238.** Where the commission of any of the offences under Section 226 to Section 237 causes death of another person,

the offender shall be liable to imprisonment for life or imprisonment from five years to twenty years, and a fine of ten thousand baht to forty thousand baht.

Where it causes grievous bodily harm on any other person, the offender shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

**Section 239.** Where any of the offences under Sections 226 to 237 is committed by negligence and is in a manner almost to cause another person a danger of death, the offender shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

## TITLE VII

### Offences Relating to Counterfeit and Alteration

#### Chapter I

#### Offences against Currencies

**Section 240.** Whoever counterfeits currency whether with intent that it be brought into circulation as a coin, bank note or any other thing which is issued or authorised to be issued by the Government, or counterfeits the Government bond or interest coupon attached to such bond is said to commit the offence of counterfeiting currency, and shall be liable to imprisonment for life or imprisonment from ten years to twenty years and a fine of twenty thousand baht to forty thousand baht.

**Section 241.** Whoever alters currency whether it be a coin, bank note or any other thing which is issued or authorised to be issued by the Government; or alters the Government bond or interest coupon attached to such bond with intent to cause any other person to believe that it be of a higher value than the reality is said to commit the offence of altering currency, and shall be liable to imprisonment for life or imprisonment from five years to twenty years, and a fine of ten thousand baht to forty thousand baht.

**Section 242.** Whoever dishonestly diminishes the weight of any coin issued by the Government shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

Whoever imports into the Kingdom, utters or acquires for the purpose of uttering any coin whose weight has dishonestly been decreased in accordance with the first paragraph shall be liable to the same punishment.

**Section 243.** Whoever imports into the Kingdom anything which he or she knows to be counterfeit in accordance with Section 240 or altered in accordance with Section 241 shall be liable as prescribed in such relating Section.

**Section 244.** Whoever acquires anything for the purpose of uttering with the knowledge that it is counterfeit in accordance with Section 240 or altered in accordance with Section 241 shall be liable to imprisonment from one year to fifteen years and a fine of two thousand baht to thirty thousand baht.

**Section 245.** Whoever utters anything which he or she afterwards knows to be counterfeit or altered, but which he or she did not know to be counterfeit in accordance with Section 240 or altered in accordance with Section 241 at the time when he or she took it into his or her possession shall be liable to imprisonment for

not exceeding ten years or a fine of not exceeding twenty thousand baht, or both.

**Section 246.** Whoever produces implements or materials for the purpose of counterfeiting or altering currency whether it be a coin, bank note or any other thing which is issued or authorised to be issued by the Government, or for the purpose of counterfeiting or altering the Government bond or interest coupon attached to such bond; or has in his or her possession of such implements or materials for the purpose of counterfeit or alteration shall be liable to imprisonment from five years to fifteen years and a fine of ten thousand baht to thirty thousand baht.

**Section 247.** Where the offences as prescribed in this Chapter are committed upon currency, whether it be a coin, bank note or any other thing which is issued or authorised to be issued by the Government of any foreign country; or are committed upon the foreign Government bond or interest coupon attached to such bond, the offender shall be liable to one half of the punishment as prescribed in such relating Section.

**Section 248.** Where the offender under Section 240, Section 241 or Section 247 also commits any other offence as prescribed in this Chapter concerning the thing he or she has counterfeited or altered, the offender shall be liable to the punishment under Section 240, Section 241 or Section 247 for one count only.

**Section 249.** Whoever fabricates any card or a piece of metal with intent to cause its appearance and size to be similar to currency whether it be a coin, bank note or any other thing which is issued or authorised to be issued by the Government, or the Government bond or interest coupon attached to such bond; or disposes of such card or piece of metal shall be liable to imprisonment for not exceeding one year or a fine of not

exceeding two thousand baht, or both.

Where the disposal of the card or piece of metal said in the first paragraph is done by means of uttering any forged currency as referred to under the first paragraph, the offender shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

## **Chapter II**

### **Offences against Seals, Stamps and Tickets**

**Section 250.** Whoever counterfeits the State seal, impression of such seal or signature of the King shall be liable to imprisonment from five years to twenty years and a fine of ten thousand baht to forty thousand baht.

**Section 251.** Whoever counterfeits a seal or impression of such seal of a public office, a public organization or an official shall be liable to imprisonment from one year to seven years and a fine of two thousand baht to fourteen thousand baht.

**Section 252.** Whoever uses the counterfeited seal, impression of such seal or signature of the King as mentioned in Section 250 or Section 251 shall be liable as prescribed in such relating Section.

**Section 253.** Whoever acquires a genuine seal or impression of such seal as mentioned in Section 250 or Section 251, and uses such seal or impression of such seal wrongfully in a manner

likely to cause damage to any person or the people shall be liable to two thirds of the punishment as prescribed in Section 250 or Section 251.

**Section 254.** Whoever counterfeits a Government stamp which is used for postage, taxation or collection of fees; or alters a Government stamp used for the said purposes with intent to cause any other person to believe that it be of a higher value than the reality shall be liable to imprisonment from one year to seven years and a fine of two thousand baht to fourteen thousand baht.

**Section 255.** Whoever imports into the Kingdom the State seal, impression of such seal or signature of the King; a seal or impression of such seal of a public office, a public organization or an official; or a stamp as referred to in Section 250, Section 251 or Section 254 which is counterfeit or altered shall be liable, to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

**Section 256.** Whoever erases, removes or does by any other means to a Government stamp as specified in Section 254 which has any mark put or impressed upon such stamp to denote that the stamp cannot longer be used in order to re-use it shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 257.** Whoever uses, sells, offers for sale, exchanges or offers for exchange the stamp which is begotten from the commission of the offence as prescribed in Section 254 or Section 256 whether it be committed inside or outside the Kingdom shall be liable to imprisonment for not exceeding three years or

a fine of not exceeding six thousand baht, or both.

**Section 258.** Whoever counterfeits a ticket which is used in public transportation or alters such ticket with intent to cause any other person to believe that it be of a higher value than the reality; or erases, removes or does by any other means to such ticket which has any mark put or impressed upon the ticket to denote that the ticket cannot longer be used in order to re-use it shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 259.** Where the offence under Section 258 is committed upon a ticket of which is disposed to the people for entering into any place, the offender shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 260.** Whoever uses, sells, offers for sale, exchanges or offers for exchange the ticket which is begotten from the commission of the offence as prescribed in Section 258 or Section 259 shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 261.** Whoever produces implements or materials for the purpose of counterfeiting or altering anything as mentioned in Section 254, Section 258 or Section 259; or has in his or her possession of such implements or materials for the purpose of counterfeit or alteration shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

Section 262. Where the offence under Section 254, Section

256, Section 257 or Section 261 is committed upon any foreign Government stamp, the offender shall be liable to one half of the punishment as prescribed in such relating Section.

Section 263. Where the offender under Section 250, Section 251, Section 254, Section 256, Section 258, Section 259 or Section 262 also commits any other offence as prescribed in this Chapter concerning the thing which is begotten from the commission of such offence, the offender shall be liable to the punishment under Section 250, Section 251, Section 254, Section 256, Section 258, Section 259 or Section 262 for one count only.

### Chapter III Offences against Documents

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

Whoever, without consent or by violating the order of another person, fills any information in a sheet of paper or any other material bearing the signature of another person, where it is committed with intent to use the document for any affair in a manner likely to cause damage to any person or the people, shall be deemed as forging a document and shall be liable to

the same punishment.

**Section 265.** Whoever forges a document of right or an official document shall be liable to imprisonment from six months to five years and a fine of one thousand baht to ten thousand baht.

**Section 266.\*** Whoever forges any of the following documents:

- (1) a document of right which is also an official document;
  - (2) a will;
  - (3) a share certificate, a debenture, a share warrant or a debenture warrant;
  - (4) a bill; or
  - (5) a negotiable certificate of deposit,
- shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

**Section 267.** Whoever causes an official in the execution of his or her duty to make any false entry in a document of right or an official document whose purpose is for using as evidence in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 268.** Whoever utters or cites the document which is begotten from the commission of the offence as prescribed in Section 264, Section 265, Section 266 or Section 267 in a

manner likely to cause damage to any person or the people shall be liable to the same punishment.

Where the offender under the first paragraph is the person who himself or herself forges such document or is the person who himself or herself causes an official to make such entry, such offender shall be liable to the punishment under this Section for one count only.

Section 269. Whoever, in the pursuance of his or her profession in medicine, law, accountancy or any other profession, issues any false certification in the form of a document in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

Whoever dishonestly utters or cites the certification which is begotten from the commission of the offence under the first paragraph shall be liable to the same punishment.

#### **Chapter IV\***

#### **Offences against Electromagnetic Records**

**Section 269/1.** Whoever forges in whole or in part of an electromagnetic record, adds, removes or alters by any means upon a genuine electromagnetic record in a manner likely to cause damage to any person or the people, where it is committed with intent to cause any other person to believe that it be a genuine electromagnetic record or be used for any purpose, is

said to commit the offence of forgery;' of electromagnetic record, and shall be liable to imprisonment from one year to five years and a fine of twenty thousand baht to one hundred thousand baht.

**Section 269/2.** Whoever produces implements or materials for the purpose of forgery or alteration, or for the purpose of acquiring information to be used for forging or altering anything as mentioned in Section 269/1; or has in his or her possession of such implements or materials for the purpose of using or acquiring information to be used for forgery or alteration shall be liable to imprisonment from one year to five years and a fine of twenty thousand baht to one hundred thousand baht.

**Section 269/3.** Whoever imports into or exports from the Kingdom anything as mentioned to in Section 269/1 or Section 269/2 shall be liable to imprisonment from three years to ten years and a fine of sixty thousand baht to two hundred thousand baht.

**Section 269/4.** Whoever utters or acquires for the purpose of uttering anything in accordance with Section 269/1 which he or she knows to be forged or altered shall be liable to imprisonment from one year to seven years or a fine of twenty thousand baht to one hundred forty thousand baht, or both.

Whoever disposes of or acquires for the purpose of the disposal of anything which is forged or altered in accordance with Section 269/1 shall be liable to imprisonment from one year to ten years or a fine of twenty thousand baht to two hundred thousand baht, or both.

Where the offender under the first or the second paragraph is the person who forges an electromagnetic record in accordance with Section 269/1, such offender shall be liable to the punishment under this Section for one count only.

**Section 269/5.** Whoever misuses the electromagnetic record of another person in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding five years or a fine of not exceeding one hundred thousand baht, or both.

**Section 269/6.** Whoever acquires the electromagnetic record of another person for the purpose of misusing it in accordance with Section 269/5 in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding three years or a fine of not exceeding sixty thousand baht, or both.

**Section 269/7.** Where any of the offences as prescribed in this Chapter is committed upon electromagnetic record which is issued with due authorisation to the person who is eligible to make use of it for the payment of charges for goods, services or other debts instead of cash, or for withdrawal of cash, the offender shall be liable to the heavier punishment than that as prescribed in such relating Section by one half.

## **Chapter V\***

### **Offences against Passports**

**Section 269/8.** Whoever forges in whole or in part of passport, adds, removes or alters by any means upon a genuine passport; affixes with a counterfeit seal; or puts a forged signature to a passport in a manner likely to cause damage to any person or the people, where it is committed with intent to cause any

other person to believe that it be a genuine passport, is said to commit the offence of forgery of passports, and shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

**Section 269/9.** Whoever utters or acquires for the purpose of uttering a forged passport as prescribed in Section 269/8 shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

Whoever disposes of or acquires for the purpose of the disposal of a forged passport as prescribed in Section 269/8 shall be liable to imprisonment from three years to twenty years and a fine of sixty thousand baht to four hundred thousand baht.

Where the offender has in his or her possession of two copies upwards of the forged passports in accordance with Section 269/8, it shall be preliminarily presumed that such possession is for the purpose of disposal.

Where the offender under the first or the second paragraph is the person who forges a passport in accordance with Section 269/8, such offender shall be liable to the punishment under this Section for one count only.

**Section 269/10.** Whoever imports into or exports from the Kingdom any forged passport in accordance with Section 269/8 shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

Where the offence under the first paragraph is committed for the purpose of disposal, the offender shall be liable to imprisonment from three years to twenty years and a fine of sixty thousand baht to four hundred thousand baht.

**Section 269/11.** Whoever misuses the passport of another person in a manner likely to cause damage to any person or the people shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding two hundred thousand baht.

Whoever procures a passport for the offender under the first paragraph shall be liable to the same punishment.

**Section 269/12.** Whoever counterfeits the seal, impression of such seal or any sheet of paper attached to a passport which is used for being affixed with the seal used in the administration of international travelling shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

**Section 269/13.** Whoever utters the seal, impression of such seal or any sheet of paper attached to a passport which is used for being affixed with the seal that is counterfeited in accordance with Section 269/12 shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

Where the offender under the first paragraph is the person who counterfeits the seal, impression of such seal or any sheet attached to a passport which is used for being affixed with the seal in accordance with Section 269/12 shall be liable to the punishment under this Section for one count only.

**Section 269/14.** Whoever imports into or exports from the Kingdom any seal, impression of such seal or any sheet of paper attached to a passport which is used for being affixed with the seal in accordance with Section 269/12 which is counterfeit shall be liable to imprisonment from one year to ten years and a fine of twenty thousand baht to two hundred thousand baht.

**Section 269/15.** Whoever misuses any genuine seal, impression of such seal or sheet of paper attached to a passport which is

used for being affixed with the seal used in the administration of international travelling in a manner likely to cause damage to any person or the people shall be liable to two thirds of the punishment as prescribed in Section 269/13.

## TITLE VIII Offences Relating to Trade

**Section 270.** Whoever, with intent to take advantage in trade, uses or has in possession for use of any instrument for weighing, any weight, or any measure which is different from the normal standard; or has such instrument in his or her possession for selling purpose shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 271.\*** Whoever sells any goods by means of deception to cause a buyer to believe in the source of origin, nature, quality or quantity of such goods which is false, where it does not constitute the offence of fraud, shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 272.** Whoever

- (1) makes use of the name, picture, inventive figure or any statement which another person uses in carrying on his or her trade; or causes any appearance to be on any goods, packaging, covering, material used for wrapping, advertisement, price list or bussiness letter or the like for

the purpose of causing the people to believe that it is the goods or trade of such other person;

- (2) imitates a billboard or the like so that the people believe that a place of his or her trade is that of another person located nearby;
- (3) propagates any false statement with intent to discredit the place of trade, goods, industry or commerce of any person and take advantage of it for benefit in his or her own trade,

shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

The offence in this Section is a compoundable offence.

**Section 273.** Whoever counterfeits the registered trademark of another person whether it is registered within or outside the Kingdom shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 274.** Whoever imitates the registered trademark of another person whether it is registered within or outside the Kingdom with intent to cause the people to believe that it is the trademark of such other person shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 275.** Whoever imports into the Kingdom, disposes or offers to dispose of goods which bears the name, picture, inventive figure or any statement as prescribed in Section 272(l), or goods bearing a counterfeit trademark or an imitated trademark of another person in accordance with Section 273 or Section 274 shall be liable as prescribed in such relating Section.

**TITLE IX**  
**Offences Relating to Sexuality**

**Section 276.\*** Whoever commits sexual intercourse with any person by threatening by any means, by doing harm, by exploiting a situation in which such person is unable to resist, or by causing such person to mistake the offender for any one else shall be liable to imprisonment from four years to twenty years and a fine of eight thousand baht to forty thousand baht.

The sexual intercourse in accordance with the first paragraph means an act done with the intention to gratify the sexual desires of the offender by using the sexual organ of the offender to do by any means to the sexual organ, anus or mouth of another person, or by using any object to do by any means to the sexual organ or anus of another person.

Where the offence under the first paragraph is committed by carrying or using gun or explosive, by commission in the company of persons in the nature of destroying a female or a male, the offender shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht, or imprisonment for life.

Where the offence under the first paragraph is committed by and against a spouse and the spouse still intend to live with each other as married couples, the Court may inflict less punishment to any extent than that as prescribed by law or may impose any condition for controlling behaviour of the offender

instead of inflicting the punishment. Where the Court imposes imprisonment punishment on the offender; and either spouse does not intend to continue living with the other as married couples, but rather desires to get a divorce, such spouse shall inform the Court of his or her intention and the Court shall inform a Public Prosecutor to initiate the divorce proceedings.

**Section 277.\*** Whoever commits sexual intercourse with a child not yet over fifteen years of age who is not the wife or husband, irrespective of having consent of such child, shall be liable to imprisonment from four years to twenty years and a fine of eight thousand baht to forty thousand baht.

The sexual intercourse in accordance with the first paragraph means an act done with the intention to gratify the sexual desires of the offender by using the sexual organ of the offender to do by any means to the sexual organ, anus or mouth of another person, or by using any object to do by any means to the sexual organ or anus of another person.

Where the offence under the first paragraph is committed with a child not yet over thirteen years of age, the offender shall be liable to imprisonment from seven years to twenty years and a fine of fourteen thousand baht to forty thousand baht, or imprisonment for life.

Where the offence under the first or the third paragraph is committed in the company of persons in the nature of destroying a girl or a boy without consent of such child, by carrying gun or explosive, or by using weapons, the offender shall be liable to imprisonment for life.

Where the offence under the first paragraph is committed by a person not yet over eighteen years of age against a child over

thirteen years but not yet over fifteen years of age with consent of such child, and, afterwards, the Court has granted permission to both children to marry together, the offender shall not be punished. Where the Court grants such permission during the time that the offender has been undergoing the punishment for such offence, the Court shall release such offender.

**Section 277 bis.\*** Where the commission of the offence under the first paragraph of Section 276, or the first or the third paragraph of Section 277 causes:

- (1) grievous bodily harm on the alleged victim, the offender shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht, or imprisonment for life;
- (2) death to the alleged victim, the offender shall be liable to the death penalty or imprisonment for life.

**Section 277 ter.\*** Where the commission of the offence under the third paragraph of Section 276 or the fourth paragraph of Section 277 causes:

- (1) grievous bodily harm on the alleged victim, the offender shall be liable to the the death penalty or imprisonment for life.
- (2) death to the alleged victim, the offender shall be liable to the death penalty.

**Section 278.\*\*** Whoever commits an act of indecency towards a person over fifteen years of age by threatening by any means, by doing harm, by exploiting a situation in which such person is unable to resist, or by causing such person to mistake the

offender for any one eke shall be liable to imprisonment for not exceeding ten years or a fine of not exceeding twenty thousand baht, or both.

**Section 279.\*** Whoever commits an act of indecency towards a child not yet over fifteen years of age, irrespective of having consent of such child, shall be liable to imprisonment for not exceeding ten years or a fine of not exceeding twenty thousand baht, or both.

Where the offence under the first paragraph is committed by threatening by any means, by doing harm, by exploiting a situation in which such child is unable to resist, or by causing such child to mistake the offender for any one else shall be liable to imprisonment for not exceeding fifteen years or a fine of not exceeding thirty thousand baht, or both.

**Section 280.\*\*** Where the commission of the offence under Section 278 or Section 279 causes:

- (1) grievous bodily harm on the alleged victim, the offender shall be liable to imprisonment from five years to twenty years and a fine of ten thousand baht to forty thousand baht;
- (2) death to the alleged victim, the offender shall be liable to the the death penalty or imprisonment for life.

**Section 281.\*\*\*** Where the commission of the offence under

the first paragraph of Section 276 and Section 278 neither occur in public, cause grievous bodily harm or death to the alleged victim, nor do against any of persons as listed in Section 236, it shall be a compoundable offence.

Section 282.\* Whoever, in order to gratify the sexual desires of another person, procures, seduces or takes a male or a female for the purpose of indecency, irrespective of having consent of such person, shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

Where the offence of the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be liable to imprisonment from three years to fifteen years and a fine of six thousand baht to thirty thousand baht.

Where the offence of the first paragraph is committed against a child not yet over fifteen years of age, the offender shall be liable to imprisonment from five years to twenty years and a fine of ten thousand baht to forty thousand baht.

Whoever, in order to gratify the sexual desires of another person, receives the person who is procured, seduced, or taken in accordance with the first, second or third paragraph; or supports the commission of such offence shall be liable to the same punishment as prescribed in the first, second or third paragraph, as the case may be.

**Section 283** Whoever, in order to gratify the sexual desires of another person, procures, seduces or takes a male or a female for the purpose of indecency by using any deceitful means, threatening, doing harm, influencing with unjust power, or

extorting by any means shall be liable to imprisonment from five years to twenty years and a fine of ten thousand baht to forty thousand baht.

Where the offence under the first paragraph is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be liable to imprisonment from seven years to twenty years and a fine of fourteen thousand baht to forty thousand baht, or imprisonment for life.

Where the offence under the first paragraph is committed against a child not yet over fifteen years of age, the offender shall be liable to imprisonment from ten years to twenty years and a fine of twenty thousand baht to forty thousand baht, imprisonment for life, or the death penalty.

Whoever, in order to gratify the sexual desires of another person, receives the person who is procured, seduced, or taken in accordance with the first, second or third paragraph; or supports the commission of such offence shall be liable to the same punishment as prescribed in the first, second or third paragraph, as the case may be.

**Section 283 bis.\*** Whoever takes a person over fifteen years but not yet over eighteen years of age for the purpose of indecency, irrespective of having consent of such person, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence under the first paragraph is committed against a child not yet over fifteen years of age, the offender shall be liable to imprisonment for not exceeding seven years or a fine of not exceeding fourteen thousand baht, or both.

Whoever conceals the person who is taken in accordance with the first or the second paragraph shall be liable to the same punishment as prescribed in the first or the second paragraph, as the case may be.

Only the offences under the first and the third paragraphs which are committed against a person over fifteen years of age are compoundable offences.

**Section 284.\*** Whoever takes any person for the purpose of indecency by using any deceitful means, threatening, doing harm, influencing with unjust power, or extorting by any means shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

Whoever conceals the person who is taken in accordance with the first paragraph shall be liable to the same punishment as prescribed for the person who takes the alleged victim.

The offence in this Section is a compoundable offence.

**Section 285.\*\*** Where the commission of the offence under Section 276, Section 277, Section 277 bis. Section 277 ter, Section 278, Section 279, Section 280, Section 282 or Section 283 by the offender is committed against his or her descendant; a pupil under his or her care; a person under the control in the execution of his or her duty; or a person under his or her guardianship, custodianship or legal care; the offender shall be liable to the heavier punishment than that as prescribed in such relating Section by one thirds.

**Section 286.\*** Whoever over sixteen years of age lives on, even some part of, the earning of a prostitute shall be liable to imprisonment from seven years to twenty years and a fine of fourteen thousand baht to forty thousand baht, or imprisonment for life.

Whoever has no other means of living or has no sufficient means of living, and has been in any of the following circumstances shall be presumed to live on the earning of the prostitute, unless the contrary is successfully proved:

- (1) residing or associating with one or more prostitutes regularly;
- (2) living or receiving money or other benefit procured by a prostitute;
- (3) engaging for the purpose of helping a prostitute in the quarrel with his or her customer.

The provision of this Section shall not apply to any person who receives maintenance from a prostitute who is bound to give by law or morality.

**Section 287.\*\*** Whoever:

- (1) for the purpose of trade or by trade, or for the purpose of public distribution or exhibition; makes, produces, possesses, imports into or causes to be imported into the Kingdom, exports or causes to be exported from the Kingdom, takes or causes to be taken, or disseminates by

any means any pornographic document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, film, sound recording tape, picture recording tape or other pornographic materials;

- (2) trades, participates or engages in the trade of such pornographic objects or materials, and then distributes or exhibits to the public, or hires out such pornographic objects or materials;
- (3) for the purposes of disseminating or trading of such pornographic objects or materials, advertises or propagates by any means that there is a person who commits the act which amounts to the offence under this Section, or advertises or propagates that such pornographic objects or materials may be obtained from whom or by which mean,

shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both

## TITLE X

### Offences Affecting Life and Body

#### Chapter I

#### Offences against Life.

**Section 288.** Whoever murders any other person shall be liable to the death penalty, imprisonment for life or imprisonment from fifteen years to twenty years.

**Section 289.** Whoever murders:

- (1) the ascendant;
  - (2) an official in the execution of his or her duty, or as a consequence of executing or having executed his or her duty;
  - (3) a person who assists an official in the execution of his or her duty, or because that person will assist or have assisted such official;
  - (4) any person by premeditation;
  - (5) any person by any act of torture or any act of cruelty;
  - (6) any person for the purpose of preparing or facilitating in the commission of other offences; or
  - (?) any person for the purposes of taking or securing the benefit obtained from the commission of any other offence, concealing any other offence committed by him or her, or escaping from the punishment for any other offence committed by him or her,
- shall be liable to the death penalty.

**Section 290.** Whoever, without intention to murder, causes death to any person by inflicting bodily harm on such person shall be liable to imprisonment from three years to fifteen years.

Where the offence is committed under any of the circumstances as listed in Section 289, the offender shall be liable to imprisonment from three years to twenty years.

**Section 291.** Whoever does an act so negligently that causes death to any person shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding twenty thousand baht.

**Section 292.** Whoever does by treatment with cruelty or with any similar nature to a person who must depend on him or her for living or for anything else in order to cause such person to commit suicide, where the suicide has occurred or has been attempted, shall be liable to imprisonment for not exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 293.** Whoever aids or abets a child not yet over sixteen years of age, or a person who is unable to understand reasonably the nature or the essentials of his or her acts or who is unable to control his or her acts to commit suicide, where the suicide has occurred or has been attempted, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 294.** Whoever participates in an affray in which three persons upwards are engaged and any person, whether being a participant of the affray or not, has died as a consequence of such affray shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

Where the participant of the affray can show that he or she has done so in order to discontinue the affray or in lawful defence, the offender shall not be punished.

## Chapter II Offences against Body

**Section 295.** Whoever causes bodily or mental harm on another person is said to commit the offence of bodily harm,

and shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 296.** Whoever commits the offence of bodily harm under any of the circumstances as listed in Section 289 shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 297.** Whoever commits the offence of bodily harm, and thereby causes grievous bodily harm on any other person shall be liable to imprisonment from six months to ten years.

Grievous bodily harm means any of the circumstances as follows:

- (1) blindness, deafness, having been cut of tongue or loss of sense of smelling;
- (2) loss of genitals or reproductive ability;
- (3) loss of an arm, leg, hand, foot, finger or any other organ;
- (4) permanent disfigurement of face;
- (5) miscarriage;
- (6) permanent insanity;
- (7) disability or chronic illness which may last throughout the life;
- (8) disability or illness with extreme suffering for more than twenty days or illness which causes inability to do activities in normal life more than twenty days.

**Section 298.** Whoever commits the offence in accordance with Section 297 and the commission thereof includes any of the circumstances as listed in Section 289 shall be liable to imprisonment from two years to ten years.

**Section 299.** Whoever participates in an affray in which three persons upwards are engaged, and any person, whether being a participant of the affray or not, has been inflicted with grievous bodily harm as a consequence of such affray, such person shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

Where the participant of the affray can show that he or she has done in order to discontinue the affray or in lawful defence, such person shall not be punished.

**Section 300.** Whoever does an act so negligently that causes grievous bodily harm on any other person shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

### Chapter III

#### Offences of Procuring Abortion

**Section 301.** Any woman who causes her own abortion or allows any other person to cause her abortion shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 302.** Whoever, with the consent of a woman, causes her abortion shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the abortion causes any other grievous bodily harm on

the woman, the offender shall be liable to imprisonment for not exceeding seven years or a fine of not exceeding fourteen thousand baht, or both.

Where the abortion causes death of the woman, the offender shall be liable to imprisonment for not exceeding ten years and a fine of not exceeding twenty thousand baht.

**Section 303.** Whoever, without the consent of a woman, causes her abortion shall be liable to imprisonment for not exceeding seven years or a fine of not exceeding fourteen thousand baht, or both.

Where the abortion causes any other grievous bodily harm on the woman, the offender shall be liable to imprisonment from one year to ten years and a fine of two thousand baht to twenty thousand baht.

Where the abortion causes death of the woman, the offender shall be liable to imprisonment from five years to twenty years and a fine of ten thousand baht to forty thousand baht.

**Section 304.** Whoever attempts to commit any offence in accordance with Section 301 or the first paragraph of Section 302 shall not be punished.

**Section 305.** Where the offence said in accordance with Section 301 or Section 302 is committed by a doctor, and

- (1) the abortion is necessary on the account of the health of the woman, or
- (2) the woman has been pregnant as a consequence of the commission of the offence as prescribed in Section 276, Section 277, Section 282, Section 283 or Section 284,

the offender is not guilty.

**Chapter IV**  
**Offences of Abandonment of Children,  
Sick Persons or Elders**

**Section 306.** Whoever leaves a child not yet over nine years of age in any place with the intention of wholly abandoning such child in a manner that causes such child to be without a person to take care of shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 307.** Whoever having the duty by law or under a contract to take care of a person who is helpless by reason of age, disease, physical handicap or insanity abandons such person in a manner likely to cause him or her a danger of death shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 308.** Where the commission of the offence under Section 306 or Section 307 causes death or grievous bodily harm on the abandoned person, the offender shall be liable to the same punishment as prescribed in Section 290, Section 297 or Section 298.

TITLE XI  
Offences against Freedom and Reputation

Chapter I  
Offences against Freedom

**Section 309.** Whoever extorts another person to do any act, not to do any act or to submit to anything by threatening that any harm may be done to the life, body, freedom, reputation or property of the extorted person or of any other person, or by doing harm so that the extorted person submits to do, not to do or submit to such thing shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where the offence under the first paragraph is committed by carrying weapons, by five persons upwards in joint action, or by having intention to cause the extorted person to execute, revoke, damage or destroy any document of right, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence under the first paragraph is committed by referring to the power of a secret society or an unlawful assembly, irrespective of its existence, the offender shall be liable to imprisonment from one year to seven years and a fine of two thousand baht to fourteen thousand baht.

**Section 310.** Whoever defines or confines another person, or does by any means to deprive such person of his or her liberty

shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where the commission of the offence under the first paragraph causes death or grievous bodily harm on the alleged victim, the offender shall be liable to the same punishment as prescribed in Section 290, Section 297 or Section 298.

**Section 310 bis.\*** Whoever defines or confines another person, or does by any means to deprive such person of his or her liberty; and forces such person to do any act for the offender or for any other person shall be liable to imprisonment for not exceeding five years and a fine of not exceeding ten thousand baht.

**Section 311.** Whoever does an act so negligently that causes another person to be detained, confined or deprived of his or her liberty shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

Where the commission of the offence under the first paragraph causes death or grievous bodily harm on the alleged victim, the offender shall be liable to the same punishment as prescribed in Section 291 or Section 300.

**Section 312.** Whoever, for the purposes of enslavement or subjecting a person likely to be a slave, imports into the Kingdom or exports therefrom, removes, buys, sells, disposes of, receives or detains any person shall be liable to imprisonment for not

exceeding seven years and a fine of not exceeding fourteen thousand baht.

**Section 312 bis.\*** Where the offence under Section 310 bis or Section 312 is committed against a child not yet over fifteen years of age, the offender shall be liable to imprisonment from three years to ten years and a fine of not exceeding twenty thousand baht.

Where the commission of the offence under the first paragraph, Section 310 bis or Section 312 causes:

- (1) bodily or mental harm to the alleged victim, the offender shall be liable to imprisonment from five years to fifteen years and a fine of not exceeding thirty thousand baht;
- (2) grievous bodily harm to the alleged victim, the offender shall be liable to imprisonment for life or imprisonment from seven years to twenty years;
- (s) death to the alleged victim, the offender shall be liable to the death penalty, imprisonment for life or imprisonment from fifteen years to twenty years.

**Section 312 ter.\*\*** Whoever dishonestly receives, disposes of, procures, seduces or takes any person over fifteen years but not yet over eighteen years of age, irrespective of having consent of such person, shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence under the first paragraph is committed against

a child not yet over fifteen years of age, the offender shall be liable to imprisonment for not exceeding seven years or a fine of not exceeding fourteen thousand baht, or both.

**Section 313.\*** Whoever, with the intention of obtaining a ransom:

- (1) kidnaps a child not yet over fifteen years of age;
  - (2) kidnaps a person over fifteen years of age by using any deceitful means, threatening, doing harm, influencing with unjust power or extorting by any other means; or
  - (3) defines or confines any other person,
- shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht, imprisonment for life or the death penalty.

Where the commission under the offence of the first paragraph causes grievous bodily harm to the person kidnapped, defined or confined, or is an act of torture or an act being so cruel that causes bodily or mental harm on such person, the offender shall be liable to the death penalty or imprisonment for life.

Where the commission of such offence causes death of the person kidnapped, defined or confined, the offender shall be liable to the death penalty.

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

**Section 315.\*** Whoever acts as an intermediary by means of requesting, accepting, or agreeing to accept any property or benefit which he or she does not deserve from the person who committed the offence under Section 313, or from a person who will give a ransom shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht, or imprisonment for life.

**Section 316.** Where the person who commits an offence under Section 313, Section 314 or Section 315 arranges for the person who is kidnapped, detained or confined to regain his or her liberty at any time before the Court of First Instance renders a judgement, and such alleged victim is not grievously harmed or is not put in the condition of imminent danger to life, the offender shall be liable to less punishment than that as prescribed by law, but not less than one half.

**Section 317.\*\*** Whoever, without any reasonable excuse, abducts a child not yet over fifteen years of age from the lawful control of the parents, the guardian or any person having parental responsibility for the child shall be liable to imprisonment from three years to fifteen years and a fine of six thousand baht to thirty thousand baht.

Whoever dishonestly buys, disposes of, or receives the child abducted in accordance with the first paragraph shall be liable to the same punishment as the person who abducts the child.

Where the offence of this Section is committed for the purpose of seeking for lucre or indecency, the offender shall be liable to imprisonment from five years to twenty years and a fine of ten

thousand baht to forty thousand baht.

**Section 318.\*** Whoever, without the consent of the minor, abducts a minor over fifteen years but not yet over eighteen years of age from the lawful control of the parents, the guardian or any person having parental responsibility for the minor shall be liable to imprisonment from two years to ten years and a fine of four thousand baht to twenty thousand baht.

Whoever dishonestly buys, disposes of, or receives the minor abducted in accordance with the first paragraph shall be liable to the same punishment as the person who abducts the minor.

Where the offence of this Section is committed for the purpose of seeking for lucre or indecency, the offender shall be liable to imprisonment from three years to fifteen years and a fine of six thousand baht to thirty thousand baht.

**Section 319.\*** Whoever, with the consent of the minor, abducts a minor over fifteen years but not yet over eighteen years of age from the lawful control of the parents, the guardian or any person having parental responsibility for the minor for the purposes of seeking for lucre or indecency shall be liable to imprisonment from two years to ten years and a fine of four thousand baht to twenty thousand baht.

Whoever dishonestly buys, disposes of, or receives the minor abducted in accordance with the first paragraph shall be liable to the same punishment as the person who abducts the minor.

**Section 320.\*\*** Whoever, by using any deceitful means, threatening, doing harm, influencing with unjust power or

extorting by any means, removes or exports any person to a place out of the Kingdom shall be liable to imprisonment from two years to ten years or a fine of four thousand baht to twenty thousand baht, or both.

Where the offence under the first paragraph is committed for the purposes of causing the person who is removed or exported to be subject to the power of any other person unlawfully or for the purpose of abandoning such person to be in a helpless condition, the offender shall be liable to imprisonment from three years to fifteen years and a fine of six thousand baht to thirty thousand baht.

**Section 321.** The offences under the first paragraphs of Section 309, Section 310 and Section 311 are compoundable offences.

## **Chapter II**

### **Offences of Disclosure of Confidential Information**

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

**Section 323.** Whoever knows or acquires any confidential information of another person as it is made known to him or her in the course of his or her occupation as a doctor, a pharmacist, a druggist, a midwife, a nurse, a priest, an advocate, a lawyer or an auditor, or by reason of being an assistant in

such profession; and then discloses such confidential information in a manner likely to cause damage to any person shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

A person who receives training in the occupation referred to under the first paragraph discloses confidential information of another person which has come to his or her knowledge or which he or she has acquired from the training in a manner likely to cause damage to any person shall be liable to the same punishment.

**Section 324.** Whoever knows or acquires any confidential information of another person concerning industry, discovery or scientific invention as it is made known and entrusted to him or her in the course of his or her position, profession or occupation; and then discloses or uses such confidential information for the benefit of himself or herself, or of any other person shall be liable to imprisonment for not exceeding six months or a fine of not exceeding one thousand baht, or both.

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

### **Chapter III**

#### **Offences of Defamation**

**Section 326.\*** Whoever imputes anything about another person to the third person in a manner likely to impair the

reputation of such person or to put such person to contempt or hatred is said to commit the offence of defamation, and shall be liable to imprisonment for not exceeding one year or a fine of not exceeding twenty thousand baht, or both.

**Section 327.** Whoever imputes anything about a decedent to the third person and such imputation is likely to impair the reputation of the father, mother, spouse or child of the decedent or to put such person to contempt or hatred is said to commit the offence of defamation, and shall be liable to the same punishment as prescribed in Section 326.

**Section 328.\*** Where the offence of defamation is committed by means of publication of a document, a drawing, a painting, a film, a picture, letters made visible by any means, a sound recorder, a picture recorder, a letter recording instrument; by means of broadcasting or dissemination of pictures; or by propagation by any other means, the offender shall be liable to imprisonment for not exceeding two years and a fine of not exceeding two hundred thousand baht.

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

- (1) by way of justification, self-defence or safeguarding his or her legitimate interests;
- (2) as being an official in the exercise of his or her duty;
- (3) by way of fair comment on any person or anything which shall be deemed as common public criticism; or
- (4) by way of fair report of the open proceedings of any

Court or meeting,  
shall not be guilty of defamation.

**Section 330.** Where the person who is accused of defamation is able to prove that the imputation made by him or her is true, such person shall not be punished.

But it is prohibited to prove where the accused defamation is the imputation concerning private matters, and such proof will not benefit to the public.

**Section 331.** Any party in a case, or his or her lawyer who expresses any opinion or statement in the proceedings of the Court for interests of his or her case shall not be guilty of defamation.

**Section 332.** In the case of defamation in which judgement is given that the defendant is guilty, the Court may make an order:

- (1) to seize and destroy an object or any part thereof which appears defamatory statements;
- (2) to publish the whole or part of the judgement in one or more newspapers for once or several times at the expense of the defendant.

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

Where the injured person in the offence of defamation died prior to making a complaint, his or her father, mother, spouse or child is able to make the complaint, and it shall be deemed that such person is the injured person.

TITLE XII  
Offences against Property

Chapter I  
Offences of Theft and Snatch

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

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

- (1) by night;
- (2) in the place or area being on fire, explosion, Hood; in the place or area having an accident, distress to railway or other public conveyances, or having similar disasters; by taking an advantage of the occurrence of such circumstances; or by taking an advantage of any public panic;
- (3) by damaging a barricade made with intent to protect persons or properties, or by entering through such barricade by any means;
- (4) by entering a passage made without intention to be an entrance for persons, or entering a passage opened by an accomplice;

- (5) by disguising himself or herself or impersonating another person; or blackening his or her face or doing by any means in order not to be seen or recognised by other persons;
  - (6) by impersonating of an official;
  - (7) by carrying weapons or by committing any offence in joint action by two persons upwards;
  - (8) in a dwelling, a place of government service or a place organised for providing public services where he or she has entered without permission or has hidden himself or herself therein;
  - (9) in a public place which is dedicated to religious worship, a railway station, an airport, a public car park or mooring, a public place for loading and discharging goods, or in public conveyances;
  - (10) upon the property utilised or possessed for interests of the public;
  - (it) upon the property belonging to or in possession of his or her employer;
  - (12) upon the property belonging to an agriculturist; or the property which is a product, plant, animal or an implement possessed for the purpose of agricultural pursuit, or being acquired from such agriculture,
- shall be liable to imprisonment from one year to five years and a fine of two thousand baht to ten thousand baht.

Where the offence under the first paragraph is committed under any of the circumstances as listed in the aforementioned sub-sections from two sub-sections upwards, the offender shall be liable to imprisonment from one year to seven years and a fine of two thousand baht to fourteen thousand baht.

Where the offence under the first paragraph is committed upon

an ox, a buffalo, a mechanical device or a machine possessed by an agriculturist for the purpose of agricultural pursuit, the offender shall be liable to imprisonment from three years to ten years and a fine of six thousand baht to twenty thousand baht.\*

Where the offence mentioned in this Section is committed involuntarily or because of unbearable poverty, and where the value of the stolen property is little, the Court may impose the punishment on the offender as prescribed in Section 334.

Section 335 bis.\*\* Whoever steals Buddhist Statue, a religious object or any part thereof which is dedicated to worship by the public or conserved as the national treasure, the offender shall be liable to imprisonment from three years to ten years and a fine of six thousand baht to twenty thousand baht.

Where the offence under the first paragraph is committed in a temple, a dwelling place of the priests, a place held sacred in any religion, an ancient place which is a national treasure, a place of government service or the national museum, the offender shall be liable to imprisonment from five years to fifteen years and a fine of ten thousand baht to thirty thousand baht.

**Section 336.** Whoever commits theft by snatching the property in the presence of another person is said to commit the offence of snatch, and shall be liable to imprisonment for not exceeding

five years and a fine of not exceeding ten thousand baht.

Where the snatch causes bodily or mental harm on another person, the offender shall be liable to imprisonment from two years to seven years and a fine of four thousand baht to fourteen thousand baht.

Where the snatch causes grievous bodily harm on another person, the offender shall be liable to imprisonment from three years to ten years and a fine of six thousand baht to twenty thousand baht.

Where the snatch causes death of another person, the offender shall be liable to imprisonment from five years to fifteen years and a fine of ten thousand baht to thirty thousand baht.

**Section 336 bis.\*** Whoever commits the offence in accordance with Section 334, Section 335, Section 338 bis or Section 336 by dressing with the uniform of the soldier or police or dressing to cause another person to believe that he or she is a soldier or a policeman, by carrying or using gun or explosive, or by using a conveyance to facilitate in the commission of the offence, to take away the stolen property or to escape from arrest shall be liable to heavier punishment than that as prescribed in such relating Section by one half.

**Chapter II**  
**Offences of Extortion, Blackmail,**  
**Robbery and Gang-Robbery**

**Section 337.** Whoever extorts another person to provide, or agree to provide him or her, or any other person a benefit in the nature of a property by doing harm or by threatening to harm the life, body, freedom, reputation or property of the extorted person or of a third person so that the extorted person submits to do so is said to commit the offence of extortion, and shall be liable to imprisonment for not exceeding five years and a fine of not exceeding ten thousand baht.

Where the offence of extortion is committed by:

- (1) a threat to cause death or grievous bodily harm on the extorted person or any other person, or a threat to set fire to the property of the extorted person or any other person; or
- (2) carrying weapons for the purpose of extortion, the offender shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to fourteen thousand baht.

**Section 338.** Whoever extorts another person to deliver, or agree to deliver to him or her, or any other person a benefit in the nature of a property by threatening to disclose a secret which such disclosure will cause damage to the extorted person or a third person so that the extorted person submits to do so is said to commit the offence of blackmail, and shall be liable to imprisonment from one year to ten years and a fine of

two thousand baht to twenty thousand baht.

**Section 339.\*** Whoever commits theft by doing harm or threatening that in the immediate any harm will be done in order to:

- (1) facilitate the commission of theft or take away the stolen property;
- (2) compel a person to deliver the property;
- (3) retain the stolen property;
- (4) conceal the commission of theft; or
- (5) escape from arrest, is said to commit the offence of robbery, and shall be liable to imprisonment from five years to ten years and a fine of ten thousand baht to twenty thousand baht.

Where the offence is committed under any of the circumstances as listed in any sub-section of Section 335, or is committed upon an ox, a buffalo, a mechanical device or a machine possessed by an agriculturist for the purpose of agricultural pursuit, the offender shall be liable to imprisonment from ten years to fifteen years and a fine of twenty thousand baht to thirty thousand baht.\*\*

Where the robbery causes bodily or mental harm on another person, the offender shall be liable to imprisonment from ten years to twenty years and a fine of twenty thousand baht to forty thousand baht.

Where the robbery causes grievous bodily harm on another person, the offender shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht.

Where the robbery causes death of another person, the offender shall be liable to the death penalty or imprisonment for life.

**Section 339 bis.\*** Where the robbery is committed upon any property referred to in the first paragraph of Section 335 bis, the offender shall be liable to imprisonment from ten years to fifteen years and a fine of twenty thousand baht to thirty thousand baht.\*\*

Where the robbery is committed in any place referred to in the second paragraph of Section 335 bis, the offender shall be liable to imprisonment from ten years to twenty years and a fine of twenty thousand baht to forty thousand baht.

Where the robbery in accordance with the first or second paragraph of this Section causes bodily or mental harm on another person, the offender shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht.

Where the robbery in accordance with the first or second paragraph of this Section causes grievous bodily harm on another person, the offender shall be liable to imprisonment for life or imprisonment from fifteen years to twenty years.

Where the robbery in accordance with the first or second

paragraph of this Section causes death of another person, the offender shall be liable to the death penalty.

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

Where even one of the offenders carries weapons in the commission of the gang-robbery, every offender shall be liable to imprisonment from twelve years to twenty years and a fine of twenty-four thousand baht to forty thousand baht.

Where the gang-robbery causes grievous bodily harm on another person, the offender shall be liable to imprisonment for life or imprisonment from fifteen years to twenty years.

Where the gang-robbery is committed with any act being so cruel that causes bodily or mental harm on another person, by shooting with a gun, by using explosive or by doing an act of torture, the offender shall be liable to imprisonment for life or imprisonment from fifteen years to twenty years.

Where the gang-robbery causes death of another person, the offender shall be liable to the death penalty.

**Section 340 bis.\*** Where the gang-robbery is committed upon any property referred to in the first paragraph of Section 335 bis, the offender shall be liable to imprisonment from ten years to twenty years and a fine of twenty thousand baht to forty thousand baht.

Where the gang-robbery is committed in any place referred to

in the second paragraph of Section 335 bis, the offender shall be liable to imprisonment from fifteen years to twenty years and a fine of thirty thousand baht to forty thousand baht.

Where even one of the offenders carries weapons in the commission of the gang-robbery in accordance with the first or the second paragraph of this Section, every offender shall be liable to imprisonment for life or imprisonment from fifteen years to twenty years.

Where the gang-robbery in accordance with the first or the second paragraph of this Section causes grievous bodily harm on another person, the offender shall be liable to imprisonment for life.

Where the gang-robbery in accordance with the first or the second paragraph of this Section is committed with any act being so cruel that causes bodily or mental harm on another person; by shooting with a gun; by using explosive; or by doing an act of torture, the offender shall be liable to the death penalty or imprisonment for life.

Where the gang-robbery in accordance with the first or the second paragraph of this Section causes death of another person, the offender shall be liable to the death penalty.

**Section 340 ten.\*** Whoever commits the offence in accordance with Section 339, Section 339 bis. Section 340 or Section 340 bis by dressing with the uniform of the soldier or police; by dressing to cause another person to believe that he or she is a soldier or a policeman; by carrying or using gun or explosive; or by using a conveyance to facilitate in the commission of the offence, to take away the stolen property or to escape from arrest shall be liable to heavier punishment than that as prescribed in such relating Section by one half.

## Chapter III

### Offences of Fraud

**Section 341.** Whoever dishonestly deceives another person by expressing with a false statement or by suppressing true facts that should be revealed, and, by such deception, obtains any property from the person so deceived or a third person; or causes such person so deceived or a third person to execute, revoke or destroy a document of right is said to commit the offence of fraud, and shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 342.** Where the offender commits the offence of fraud:

- (1) by impersonating another person, or
- (2) by taking an advantage of the insufficiency of consideration of the deceived person who is a child, or by taking an advantage of the mental deficiency of the deceived person, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 343.** Where the offence under Section 341 is committed by expressing with a false statement to the public or by suppressing true facts that should be informed to the public, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence said in the first paragraph is committed under any of the circumstances as listed in any sub-section of Section 342, the offender shall be liable to imprisonment from six months to seven years and a fine of one thousand baht to

fourteen thousand baht.

**Section 344.** Whoever dishonestly deceives ten persons upwards to carry out any kind of work for himself or herself, or for a third person with intent not to pay wages or remuneration to those deceived persons, or with intent to pay to such persons the wages or remuneration which is lower than those agree upon shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 345.** Whoever orders and consumes food or drink, or stays in a hotel, by knowing that he or she cannot afford expenses for such food, drink or the stay in the hotel shall be liable to imprisonment for not exceeding three months or a fine of not exceeding five hundred baht, or both.

**Section 346.** Whoever, for the purpose of obtaining a property of another person for himself or herself, or for a third person, induces any person to dispose at a disadvantage of any property by taking an advantage of the mental deficiency or the insufficiency of consideration as a child of the deceived person who is unable to understand reasonably the essentials of his or her acts so that the induced person agrees to dispose of such property shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 347.** Whoever, for the purpose of obtaining for himself or for a third person the benefits from an insurance against loss, maliciously causes damage to the insured property shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 348.** The offences in this Chapter, except for the offence under Section 343, are compoundable offences.

## Chapter IV

### Offences of Cheating the Creditors

**Section 349.** Whoever takes away, causes damage, destroys, diminishes the value or make the uselessness of any property which he or she has pledged to another person, where this is done with intent to cause damage to the pledgee, shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

**Section 350.** Whoever, with intent to prevent his or her creditors or any other person from receiving in whole or in part of the debt payment which has been claimed or will be claimed through the Court procedures, removes, conceal or transfers any property to any person, or fraudulently owes any person for an amount of debt which is untrue shall be liable to imprisonment for not exceeding two years or a fine of not exceeding four thousand baht, or both.

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

## Chapter V

### Offences of Misappropriation

**Section 352.** Whoever being in possession of any property belonging to another person or of which another person is a co-owner dishonestly converts to his or her own, or for a third person is said to commit the offence of misappropriation, and shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

Where such property becomes in the possession of the offender because any other person deliver to him or her by mistake by any

means, or such property is the lost property found by him or her, the offender shall be liable to one half of the punishment only.

**Section 353.** Whoever being entrusted with the management of any property belonging to another person or of which another person is a co-owner dishonestly commits an act in breach of his or her duty by any means and, because of that, causes damage to any benefit in the nature of any property of such other person shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 354.** Where the offences under Section 352 or Section 353 are committed by the offender who is acting in charge of an executor of the property of another person under the Court order or a will, or acting as a person who has an occupation or business that being trusted by the people, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 355.** Whoever found any valuable movable property which had been hidden or buried under the circumstances that no one claims to be its owner and unlawfully converts to his or her own, or for any other person shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

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

## Chapter VI Offences of Receiving Stolen Property

**Section 357.** Whoever assists in concealing, disposing of or making away with, purchases, receives in pledge or receives

by any means any property which obtained through the commission of any offence amounting to the offence of theft, snatch, extortion, blackmail, robbery, gang-robbery, fraud, misappropriation or misappropriation by an official is said to commit the offence of receiving stolen property, and shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

Where the offence of receiving stolen property is committed in order to make profits or is committed upon any property obtained from the stealing in accordance with Section 335(10), the robbery or the gang-robbery, the offender shall be liable to imprisonment from six months to ten years and a fine of one thousand baht to twenty thousand baht.

Where the offence of receiving stolen property is committed upon a property obtained from the stealing in accordance with Section 335 bis, the robbery in accordance with Section 339 bis or the gang-robbery in accordance with Section 340 bis, the offender shall be liable to imprisonment from five years to fifteen years and a fine of ten thousand baht to thirty thousand baht."

## Chapter VII Offences of Mischief

**Section 358.** Whoever causes damage, destroys, diminishes the value or makes the uselessness of any property belonging to another person or of which another person is a co-owner is

said to commit the offence of mischief, and shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 359.** Where the offence under Section 358 is committed upon:

- (1) a mechanical device or a machine utilised for the purpose of agricultural or industrial pursuits;
  - (2) livestock;
  - (3) a conveyance or beast of burden utilised for public transportation or for the purpose of agricultural or industrial pursuits; or
  - (4) a plant or produce of an agriculturist,
- the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 360.** Whoever causes damage, destroys, diminishes the value or makes the uselessness of any property utilised or possessed for interests of the public shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 360 bis.** \*Whoever causes damage, destroys, diminishes the value or makes the uselessness of any property referred to in the first paragraph of Section 335 bis or any property which is situated in the places referred to in the second paragraph of Section 335 bis shall be liable to imprisonment for not exceeding ten years or a fine of not exceeding twenty thousand baht, or both.

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

## Chapter VIII Offences of Trespass

**Section 362.** Whoever enters into an immovable property of another person with intent to take possession of such immovable property in whole or in part; or enters into an immovable property of another person to do any act disturbing the peaceful possession of such other person shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 363.** Whoever, in order to hold an immovable property of any person for himself or herself, or for a third person, removes or destroys the boundary mark of such immovable property in whole or in part shall be liable to imprisonment for not exceeding three years or a fine of not exceeding six thousand baht, or both.

**Section 364.** Whoever, without any reasonable excuse, enters or lurks in a dwelling, a storehouse or an office under the possession of another person, or refuses to leave those places after having been told to leave by any person who has a right to exclude the trespasser from entering into such places shall be liable to imprisonment for not exceeding one year or a fine of not exceeding two thousand baht, or both.

**Section 365.** Where the offence under Section 362, Section 363 or Section 364 is committed:

- (1) by doing harm or threatening that any harm will be done;
- (2) by carrying weapons, or in joint action by two persons upwards; or
- (3) by night, the offender shall be liable to imprisonment for not exceeding five years or a fine of not exceeding ten thousand baht, or both.

**Section 366.** The offences in this Chapter, except for the offence under Section 365, are compoundable offences.

**BOOK III**  
**Petty Offences**

**Section 367.** Whoever, being requested by an official to declare his or her name or address for execution of the law refuses to give or willfully gives any false information concerning his or her name or address shall be liable to a fine of not exceeding one hundred baht.

**Section 368.** Whoever being informed of an order of an official who is empowered by law to give such order refuses to comply with the order without any reasonable cause or excuse shall be liable to imprisonment for not exceeding ten days or a fine of not exceeding Five hundred baht, or both.

Where the giving of such order is for the purpose of requiring a person, as being allowed by law to do so, to assist an official in performing his or her duty, the offender shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 369.** Whoever does by any means to cause a notification, an advertisement or any document that is posted up or exhibited by an official in the exercise of his or her duty to be pulled down, torn or made useless shall be liable to a fine of not exceeding five hundred baht.

**Section 370.** Whoever shouts, causes a noise or causes a disturbance without any reasonable excuse so as to frighten or trouble the people, shall be liable to a fine of not exceeding one hundred baht.

**Section 371.** Whoever carries weapons to a town, village or

public way openly or without any reasonable excuse; or carries weapons to a community gathering of religious worship, entertainment or any other purpose shall be liable to a fine of not exceeding one hundred baht and the Court shall have the power to forfeit such weapons.

**Section 372.** Whoever quarrels noisily with another person in a public way or a public place, or do by any means to cause disturbance in a public way or a public place shall be liable to a fine of not exceeding five hundred baht.

**Section 373.** Whoever being in charge of taking care of an insane person neglectfully allows such insane person to wander alone shall be liable to a fine of not exceeding five hundred baht.

**Section 374.** Whoever seeing any person being in danger to life, in spite of ability to help without fear of danger to himself or herself or another person, refuses to render assistance as necessary to such person being in danger shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 375.** Whoever causes obstruction or inconvenience to a public drain, watercourse or sewer, shall be liable to a fine of not exceeding five hundred baht.

**Section 376.** Whoever, without any reasonable excuse, fires in a town, village or community gathering shall be liable to imprisonment for not exceeding ten days or a fine of not exceeding five hundred baht, or both.

**Section 377.** Whoever being in charge of taking care of a fierce or vicious animal neglectfully allows such animal to wander alone in a manner likely to cause injury to any person or property shall be liable to imprisonment for not exceeding

one month or a fine of not exceeding one thousand baht, or both.

**Section 378.** Whoever, in a state of intoxication because of consuming spirituous liquor or other intoxicant, conducts himself or herself in such a manner so as to cause annoyance to any person or be unable to control himself or herself in any public road or any public place shall be liable to a fine of not exceeding five hundred baht.

**Section 379.** Whoever draws or shows up weapons during a fight shall be liable to imprisonment for not exceeding ten days or a fine of not exceeding five hundred baht, or both.

**Section 380.** Whoever causes contamination to water in any well, pond or reservoir reserved for the purpose of public use shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 381.** Whoever does any act of torture to or kills an animal in a manner to cause unnecessary sufferings to such animal shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 382.** Whoever overworks an animal unreasonably or uses it doing unsuitable work as such animal is ill, old or immature shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 383.** Whoever, being requested by an official to render assistance to relieve a fire or any public disaster, in spite of ability to do so, refuses to render such assistance shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 384.** Whoever maliciously disseminates any false information so wide as to cause panic to the people shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 385.** Whoever, without any legitimate permission and without any necessary cause to do, obstructs a public way by placing, leaving thereon anything, or doing by any other means in a manner likely to cause any difficulties to safety or convenience of traffic shall be liable to a fine of not exceeding five hundred baht.

**Section 386.** Whoever digs any hole or groove, or erects or places anything on the public way to cause an obstruction thereon without any legitimate permission; or lawfully does so but neglectfully fails to warn a proper signal to prevent any accident shall be liable to a fine of not exceeding five hundred baht.

**Section 387.** Whoever hangs, installs, or places anything in a manner likely to fall down or tumble down which may cause danger, dirtiness or trouble to passer-by in a public way shall be liable to a fine of not exceeding five hundred baht.

**Section 388.** Whoever does any shameful act in public by being naked, indecently exposing his or her body, or does any other obscene acts shall be liable to a fine of not exceeding five hundred baht.

**Section 389.** Whoever causes a solid object to drop down by any means to any place in a manner likely to cause danger or trouble to any person, or likely to cause danger to any property; causes a filthy object to dirty or likely to dirty any person or

any property by any means; or maliciously causes a filthy object to be trouble or nuisance shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 390.** Whoever does an act so negligently that causes bodily or mental harm on any person shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 391.** Whoever uses violence not amounting to bodily or mental harm against any person shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 392.** Whoever puts any person in fear or fright by threat shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 393.\*** Whoever insults any person in his or her presence or by publication shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 394.** Whoever chases, drives or causes an animal to enter into a garden, a field or a farm of any person that is prepared for planting, sown or covered with plants or agricultural produce shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 395.** Whoever being in charge of taking care of any animal neglectfully allows such animal to enter into a garden, a field or a farm of any person that is prepared for planting, sown or covered with plants or agricultural produce shall be liable to a fine of not exceeding five hundred baht.

**Section 396.** Whoever leaves a carcass that may become rotten on or near to a public way shall be liable to a fine of not exceeding five hundred baht.

**Section 397.** Whoever, in a public place or before the public, does by any means to harass or bully any person, or causes any person to be ashamed or annoyed shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

**Section 398.** \* Whoever does by any means to treat cruelly to a child not yet over fifteen years of age, any person getting ill or elders who are in need of support from such person for living or for anything else shall be liable to imprisonment for not exceeding one month or a fine of not exceeding one thousand baht, or both.

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