

J. Y. Interpretation No.47 (June 20, 1955) *

ISSUE: Where two offenses were committed consecutively by the same individual in two different jurisdictions, and the court having jurisdiction over the latter offense has combined the two cases and rendered a final judgment, how should the first court deal with the situation?

RELEVANT LAWS:

Articles 5, 8, and 294 of the Code of Criminal Procedure (刑事訴訟法第五條、第八條及第二百九十四條).

KEYWORDS:

larceny (竊盜罪), lexi fori (審判地法、法院地法), dismissal judgment (免訴判決).**

HOLDING: The main purpose of Article 8 of the Code of Criminal Procedure is to avoid the problems of several courts having jurisdiction over the same case. Based on the petition, having been prosecuted for grand larceny in County X, A later committed larceny in County Y. There is no issue of whether this Article should apply since the public prosecution

解釋文：刑事訴訟法第八條之主要用意，係避免繫屬於有管轄權之數法院對於同一案件均予審判之弊。據來呈所稱，某甲在子縣行竊，被在子縣法院提起公訴後，復在丑縣行竊，其在丑縣行竊之公訴部分原未繫屬於子縣法院，自不發生該條之適用問題。又丑縣法院係被告所在地之法院，對於某甲在子縣法院未經審判之前次犯行，依同法

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in County Y was not relevant to the case in County X's court. If the court in County Y is the *lexi fori* of the defendant, in accordance with Article 5 of the same Code, it may combine and try A's previous, untried criminal act in County X [with the present case]. Once the judgment [in County Y] is affirmed, the court in County X should then issue a dismissal judgment in accordance with Article 294, Section 1, of the same Act.

第五條之規定，得併案受理，其判決確定後，子縣法院對於前一犯行公訴案件，自應依同法第二百九十四條第一款規定，諭知免訴之判決。