

J. Y. Interpretation No.118 (December 7, 1966) *

ISSUE: For a ruling to correct the technical errors found in a final judgment, is it necessary to have the judge who rendered the said judgment to be present?

RELEVANT LAWS:

J.Y. Interpretation No. 43 (司法院釋字第四十三號解釋).

KEYWORDS:

correction of technical errors (更正訴訟程序性之錯誤). **

HOLDING: The reference to “corrections of a ruling” in J.Y. Interpretation No. 43 does not require the judge who rendered a final judgment to participate in the judgment of the corrections.

解釋文：本院釋字第四十三號解釋之更正裁定，不以原判決推事之參與為必要。

REASONING: The part in J.Y. Interpretation No. 43 concerning the corrections of a ruling refers to apparent clerical errors only, the corrections of which do not affect the reasoning and judgment of the case. Such errors can be made by a ruling and the judge who ren-

解釋理由書：本院釋字第四十三號解釋所稱得以裁定更正之刑事判決，係以該判決中之文字顯屬誤寫者而言。此項更正，既不影響於全案情節與判決之本旨，其裁定自不以原判決推事之參與為必要。

* Translated by Wei-Feng Huang.

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238 J. Y. Interpretation No.118

dered the original judgment is not required to participate in the judgment of the ruling.