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KEY WORD: OFFENCES / AGAINST BODILY HARM / BY CARRYING OR USING GUNS

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CARRYING OR USING GUNS. THESIS ADVISOR : ASSO.PROF. VIRAPONG
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The objective of offences against bodily harm is to protect persons from bodily harm. However there is a possibility that the offences are imposed severely punishment according to the injury that results without considering ways in which the offences were committed. On the other hand the objective of offences causing death is to protect life of persons. The problem arises from unclear distinction between offences against bodily harm and attempted murder. Although, "Intent" can be to distinguish one from the other offences, "Arms", "Wounds" or other circumstances are considered within broad discretion in determining such intent.

"Gun" is used as a weapon for killing or "Deadly Weapon." Therefore, offences against bodily harm are frequently regarded with intent to murder. As the matter of fact the intent of wrongdoer may only bodily harm. This will cause the wrongdoer to receive more severe punishment.

From both law in Common Law system and Civil Law system there are provisions of aggravating factors for offences against bodily harm. Therefore the offences of "Bodily harm with deadly weapon." should be specified in the Thai Penal Code. This will enable the court to "impose punishment in accordance to the real intent."