

SURAWONG WANNAPAK : LARCENY BY A TRICK AND FRAUD OFFENCES : THESIS  
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From the comparative study of criminal law of various countries regarding the crime of larceny by a trick and fraud offences, it is appeared that the crime of larceny by a trick is developped from the crime of larceny. The trick which has been gradually proceeded is applied for the fulfillment of the crime of larceny criterias, while without the application of trick which is the most important criteria for the fraud offence, the punishment can not be applied to.

It is seen that the crime of larceny by a trick is stated in most of the countries enjoying common law system as the act considered to cause danger to both personal properties and public. Whilst, unclear explanation is given in the case of fraud offences as a trick in the group of countries enjoying civil law. The crime of larceny is also prescribed but not by a trick because of the strict application of legal moral principles.

Though Thai criminal law which is that of civil law system does not prescribe the crime of larceny by a trick, the previous court decisions have been made to follow those of the common law system. In this regard, the legal expertise have been trying to find the evidence to be the model concept to distinguish the two basis of offences by considering that if the right of ownership and possessory right of the property are intended to be transferred.

This thesis has found that the court decision of the two basis of offences have caused confusion while the principles applied in distinguishing should have been final. This might have been because of the influence of the common law system over the Thai law, or the court decision has not been made on the precise issue of the offence criteria or issue intended to be protected by criminal law, or because of the uncovered wording in the criminal law code of the said act or similar. Therefore, there should be a clear prescription of law which covers the use of trick for the possessory of property as considered only the fraud offence not the larceny, by adding words or changing clause under the crime of larceny to clarify the act of dispossession.