

CODE OF OBLIGATIONS.

Section 1110.

This section provides that whoever draws a cheque except against a deposit or a credit granted to him shall be punished with fine not exceeding two thousand baht. It means consequently that a drawer in good faith is punishable (with fine only).

The French Law (laws 19th. February 1874 and 2nd. August 1917) come to punish: first the person in good faith who draws a cheque without having sufficient and disposable funds, provided that the punishment is fine only; - second the person in bad faith who "draws a cheque without sufficient and disposable funds or withdraws wholly or partly his funds after the drawing of the cheque "provided that the punishment is then imprisonment (from two months to two years) and fine (article 6).

The English Law, according to the notice of the British Government to the Hague Conference 1912 is that "the civil consequences of drawing a cheque without sufficient funds to meet it are the same as in the case of an ordinary bill; but if a man draws a cheque on a bank where he has no account, or when he knows for certain that the cheque will not be met, he is liable criminally under the law relating to fraud. For civil purposes, it makes no difference whether a man has no funds to meet a cheque or whether he has only insufficient funds.....". This means that the drawer in good faith is only liable to civil consequences of his mistake