

Negotiable Instruments Act, 1881 (26 of 1881) S. 138, 118, 139 - Security cheque - Appeal against acquittal - Presumption as to legally enforceable debt - Defence plea that cheque was issued only by way of security - Details of date on which loan advanced not given by complainant - No evidence to show any loan transaction - Burden of rebutting presumption under Ss.118 and 139 stand discharged - glaring inconsistencies indicating gaping hole in the complainant's version that the cheque although had been issued, the same was also meant to be encashed instantly on the same date when it was issued - Order of acquittal upheld.

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