

Negotiable Instruments Act, 1881 (26 of 1881), [Section 138](#), 141 –A person might have been jointly liable to pay the debt, but if such a person who might have been liable to pay the debt jointly, cannot be prosecuted unless the bank account is jointly maintained and that he was a signatory to the cheque – Dishonoured cheque was signed by original accused No. 1 and it was drawn on the bank account of original accused No. 1 – The accused No. 2 is neither the signatory to the cheque nor the dishonoured cheque was drawn from her bank account – Account in question was not a joint account – Section 138 does not speak about the joint liability – Even in case of a joint liability, in case of individual persons, a person other than a person who has drawn the cheque on an account maintained by him, cannot be prosecuted for the offence under Section 138.

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