

Negotiable Instruments Act, 1881 S. 138 - Security cheque - Handing over of the cheques by way of security per se would not extricate the accused from the discharge of liability arising from such cheques - Complaint does indicate that the signed cheques were handed over by the accused to the complainant - The cheques were given by way of security, is a matter of defence - It was not for the discharge of any debt or any liability is also a matter of defence - The relevant facts to countenance the defence will have to be proved that such security could not be treated as debt or other liability of the accused - That would be a triable issue.

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