

Negotiable Instruments Act 138 held, provisions of S. 138 of Negotiable Instruments Act are enacted taking into consideration of currency of cheques for a period of six months from the date of issue or the reduced period of validity, whichever is earlier , therefore, this provision of Negotiable Instruments Act contemplates cheque with lesser period of validity than six months, which is general banking practise and stipulates **that cheque should be presented for encashment either within period of six months or within period of validity of cheque, whichever is earlier , hence cheque which is issued with reduced validity period has to be presented for encashment within expiry of that period so as to attract provisions of S. 138 of Negotiable Instruments Act** , further, cheque was presented by appellant for encashment after expiry of currency of three months, provisions of S. 138 of Negotiable Instruments Act are not attracted in this case in view of clause (a) of the proviso to S. 138 of the Act – impugned proceedings quashed , applications allowed.

Anil Vasudev Rajgor v. State Of Gujarat, 2017 (3) GLH 802