



LEGAL KNOWLEDGE GUIDE

Cheque Bounce: Rights of the Accused

Key timelines, documents and defence questions under Section 138 of the Negotiable Instruments Act.

PRACTICE AREA	LAST REVIEWED	FORMAT
Cheque Bounce Matters	10 February 2025	Text guide 6 min read

BEFORE YOU RELY ON THIS GUIDE

This PDF is general information only. It is not legal advice, a pleading, a legal notice, or a guarantee of an outcome. Requirements, deadlines and forums vary by facts, jurisdiction and current law.



Why timelines matter

Section 138 complaints follow a statutory sequence: presentation of the cheque, bank return, demand notice within the prescribed period, waiting period for payment, then complaint filing. Missed dates often decide the case before evidence is fully tested.

Common defence themes

Accused persons may challenge whether a legally enforceable debt existed, whether the cheque was issued for that liability, service of notice, or other statutory preconditions. Complainants must prove their case; accused persons should not assume silence is safe.

Questions to organise

Keep the cheque, return memo, notice, service record, transaction documents, payment history and every relevant date together before seeking advice.

PRACTICAL NEXT STEP

Bring your timeline, questions and relevant documents to a focused conversation. Do not upload confidential documents unless the firm specifically asks you to do so.

Source note: India Code - Negotiable Instruments Act, 1881 - Section 138. Check the current official text and case law before relying on this guide.