

In the Court of Ld. Metropolitan Magistrate.....Court

At.....

Complaint No..... 20.....

M/s.....

.....

through : Shri.....

Partner of the firm

...Complainant

Vs.

Mr.....

Proprietor/Partner

...Accused

P.S.

U/S: 138 of N.I. Act

COMPLAINT UNDER SECTION 142 READ WITH SECTION
138 OF NEGOTIABLE INSTRUMENTS ACT, 1881, ON
BEHALF OF THE COMPLAINANT

MAY IT PLEASE YOUR WORSHIP

That the complainant most respectfully submit as under :

1. The complainant is a partnership firm having their registered office at mentioned in the title and the accused was purchasing goods from the complainant on credit bases.
2. To fulfill the liability the accused had issued a cheque being No..... dated..... of Rs..... drawn on towards

part payment. The said cheque was presented by the complainant in their bank on for encashment, but the said cheque return unpaid by the banker of the accused for the reason with the Bank memo dated.....

3. The complainant approach their lawyer who sent a legal notice dated..... under clause (b) of the proviso to section 138 of the Negotiable Instruments Act, 1881 and demanded from the accused the amount of the dishonoured cheque. However, the said notice was refused to be accepted by the accused, means the accused was aware about the contains of the letter.
4. That since the accused did not make any payment under the said cheque, despite sending said legal notice, which was refused to be accepted, the complainant is left with no alternative, but to file the present complaint under clause (b) of section 142 against the accused for the offence committed by him under the provisions of the Negotiable Instruments Act, 1881, resulting from the dishonour of the cheque for reasons, “.....” in his account as indicated in the returning memo. dated..... sent by his bankers.
5. The cause of action has arisen on account of the dishonour of the cheque dated..... for Rs..... issued by the accused, as indicated herein above. It also arose on..... when the complainant received the debit advice dated..... with regard to the dishonour of the cheque from their bankers and also when the legal notice dated..... was sent by the complainant which was refused to be accepted by the accused on.....

6. That the cause of action has arisen within the jurisdiction of this Hon'ble Court and the payment was also actually to be received at..... and hence this Hon'ble Court has jurisdiction to try and adjudicate upon the present complaint. That the complaint is being filed within limitation as prescribed under the law.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- a. pass appropriate orders summoning the Accused for having committed offences under Section 138 and Section 142 of Negotiable Instruments Act, 1881, as amended upto date;
- b. pass appropriate orders for trial and punishment of the accused in accordance with law; and/or
- c. pass such other order(s) as may be deemed fit and proper in the facts and circumstances of the present case.

Place:

Complainant

Date:

Through
Counsel for Complainant

In the Court of Ld. Metropolitan Magistrate.....Court

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through : Shri.....

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AFFIDAVIT

I, _____, s/o Sh. _____, aged about ____ years, authorized representative of the Complainant having its registered office at _____, do hereby solemnly affirm, declare and state as under:

1. I am the authorized representative of the Complainant in the present Complaint and am fully conversant with the facts and circumstances of the case and as such fully competent to swear this affidavit.
2. The accompanying Complaint under Section 142 read with Section 138 of Negotiable Instruments Act, 1881, has been drafted by my Counsel under my instructions, the contents of which I have fully understood and state that the same are true and correct and which are not repeated here for the sake of brevity and I crave the leave of the court to read and rely upon the same in the interest of justice.

DEPONENT

VERIFICATION

Verified at _____ on this ____ day of _____ that the contents of the above affidavit in Para no. 1 & 2 are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

DEPONENT