COMPLAINT AGAINST CHEQUE DISHONOUR

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 IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT\_\_\_\_\_\_\_\_\_\_\_\_\_

Cr. Complaint No.\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

……………Complainant.

             Versus

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 …………Accused/Respdt.

 Complaint Under section 138 and 142 of the Negotiable Instrument Act, 1881.

 Respectfully Showeth:-

That the accused  issued one  cheque bearing No. \_\_\_\_\_\_\_\_\_\_\_\_\_ dated\_\_\_\_\_\_\_\_ for a sum of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_drawn on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for a   lawful valuable consideration  in discharge of his  liability in favour of the complainant.

2.  That the complainant presented the said cheque lastly on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which was

returned unpaid by drawee Bank vide returning Memo dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  for the

reasons `Insufficient Funds`.  The said cheque was presented within its validity period and

stood dishonoured on presentation.

3.  That the complainant got a notice issued through his counsel dated \_\_\_\_\_\_ \_\_\_\_\_under registered AD cover and UPC   to the accused demanding the amount of the dishonoured cheques within 15 days of the receipt thereof which was duly served upon him on(Da te) \_\_\_\_\_\_\_\_\_\_\_\_. It is submitted that the Registered cover containing the notice was received back as unclaimed as the accused has deliberately avoided the  service of  the notice, however the notice sent through UPC stood served upon the accused on (Date)\_\_\_\_\_\_\_\_\_\_, the copy of notice with postal receipt/ UPC  and envelop containing notice is filed with the complaint.

4.      That the accused person has not cared to make the payment of the amount

of dishonoured cheques to the complainant within 15 days as required under the law as

demanded in the notice.

5.        That the cause of action for filing the complaint arose to the complainant with in the

jurisdiction of this learned court when the accused failed to make the payment of

the cheques in dispute to the complainant with in 15 days of the receipt of notice.

6.        That the accused is guilty of an offence under section 138 of the Negotiable Instrument Act,

1881 and is liable to be punished under section 142 of the said Act.

It is, therefore, prayed that the accused person be proceeded against and punished in

accordance with law as envisaged under section 142 of the Negotiable Instrument Act in

accordance with law.

                   Complainant

                 Through

                     Advocates

Place: \_\_\_\_\_\_\_\_\_\_

Dated:  \_\_\_\_\_\_\_\_\_

 List of  Documents attached:-

 1.        Original dishonouredcheque No. \_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ for Rs.\_\_\_\_\_\_\_   drawn on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2.    Original returning Memos of the drawee Bank dated \_\_\_\_\_\_\_\_

3.          copy of Notice dated \_\_\_\_\_\_\_\_\_.

4.          Postal   and UPC receipt dated \_\_\_\_\_\_\_\_\_ and envelop containing notice.

 List Witnesses:-

Complainant.

Concerned officers of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the records pertaining to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the accused regarding dishonoured cheque No.\_\_\_\_\_\_\_\_\_  for Rs. \_\_\_\_\_\_\_.

 AFFIDAVIT

 I (Name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ s/o Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  aged \_\_\_\_\_\_\_ years, r/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare on oath that the contents of the accompanied application from para 1 to 6 are true and correct to my personal knowledge and belief and that nothing false is stated therein and also nothing material is concealed there from.

 I further declare and verify on oath that the contents of this affidavit are true and correct and nothing material is concealed there from. Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_.

DEPONENT.