**Form of complaint on behalf of a Banking Company**

In the Court of……………..

Complaint No………………………..20…..

IN THE MATTER OF :

………………………………………(Bank)

………………………………………

………………………………………

through Shri………………………….

Constituted Attorney Complainant

Vs.

Shri…………………………..

………………………………

……………………………… Accused

Complaint under section 138

read with section 142 of the

Negotiable Instruments Act, 1881

Sir,

The complainant most respectfully submits as under :

1. That the complaint is a Banking Company having its Principal office at………….. and a branch office amongst other places in India at………………..The present complaint is being filed through its constituted attorney Mr………………………. who is competent file and conversant with the facts of the present case. Hereto annexed and marked exhibit A is the copy of the power of attorney.

2. The accused is maintaining current account with the bank and upon his request the Bank was granted overdraft facilities for a period of ……… which has expired on………….. The accused utilized the said facilities and overdraft amount due from the accused as on …………. Constitutes a debt and a liability payable by the accused as per the arrangement with the Bank. The complainant call upon the accused to clear the overdraft vide its letter dated……………

That the accused had duly received the letter dated………….. sent by the complainant and to clear the overdraft the accused has issued cheque being No…………. dated…………… Rs…………. Drawn on…………….. in favour of the complainant.

The said cheques was presented for encashment on……………, the complainant was taken by surprise as the cheque was returned unpaid by the bankers of the accused with the remarks “Refer to drawer”, vide Bank memo dated………………. The said Bank memo received by the complainant on ………………..

3. Thereafter the complainant approached their lawyer who sent a registered notice dated…………….to the accused under Section 138 of the Negotiable Instruments Act, 1881 and call upon the accuse to make the clearance of the outstanding within 15 days from the date of receipt of the notice. The accused duly received the said notice on ……………… but he failed and neglected to make payment within prescribed time.

4. Thus it is clear that the accused have malafide intension and ulterior motive. At the time of issuing the cheque, the accused was fully aware of the fact that on account of insufficiency of the funds or on account of exceeding the amount arranged with the bank, the cheque would be dishonoured. Even after the receipt of the notice under clause (b) of the proviso to section 138, the accused has failed to make the payment.

5. That the complaint is filed under the provisions of the Negotiable Instruments Act, as by means of his aforesaid acts, the accused has rendered himself liable to be prosecuted under the Act.

6. That all provision of Section 138 and 142 are compliance with. To cause of action arose within the jurisdiction of this Hon’ble Court and complaint is being filed within limitation as provide under the Act, this Hon’ble Court can taken cognizance of the offence.

7. It is, therefore, respectfully prayed that the present complaint be registered by this Hon’ble Court and action be initiated against the accused under sections 138 and 142 of the Negotiable Instruments Act, 1881 and the accused be summoned and tried and be punished in accordance with the law for the offence committed by him.

Complainant

Advocate for Complainant

Place :

Date :