**Pro-forma complaint by firm/company**

In the Court of Additional Chief Metropolitan Magistrate………………….Court

At…………… ………………..

Complaint No……………… 20…….

………………………

……………………… Complainant

Vs.

………………………

………………………

 Accused

Complaint under section 138

read with section 142 of the

Negotiable Instruments Act, 1881

MAY IT PLEASE YOUR HONOUR

The Complainant above-named most respectfully submit as under :

1. That the Complainant above-named is a registered partnership firm/a company limited registered under Indian Companies Act, 1956 having its registered office at…….. and a branch at………carrying on a business of………., The Complainant is one of its partners/directors duly authorised by firm/company to file this complaint. A copy of resolution/power of attorney is annexed.

2. That the accused above-named is an individual/firm/company carrying on the business of ……., from its office mentioned in the title

3. That the accused above-named had placed the order for supply of goods/requested for the services of the Complainant from the Complainant on…………… A copy of order/letter/communication from the accused is annexed.

4. That the complainant soled supplied and delivered the require goods to the accused and the accused has received the same/rendered the services. A copy of receipt, challan, letter acknowledging debt is annexed herewith.

5. To fulfill the liability the accused issued a cheque bearing No……….. dated……. drawn on ….…….. for Rs………(Rupees…………only) in infavour of the company. Upon depositing the said cheque was returned/dishonoured by his banker of the accused for the reason ………….. with bank memo dated ……………

6. That thereupon the complaint sent a notice dated……….. to the accused under section 138 of the Negotiable Instruments Act, 1881 by registered post on…….. demanding the amount of cheque. That the said notice was received by the Accused on ………and the accused failed to repay the amount demanded.

7. The Accused issued the cheque knowing fully that he does not have sufficient balance in his Bank account, thus, he has committed an offence under section 138 of the Negotiable Instrument Act.

8. That the cause of action against the accused has arisen on …….. (date of return) and on……..(last date of period of notice sent by payee earlier) when after expiry of 15 days period granted to the accused, he failed to repay the debt/amount of the cheque.

9. That as the cheque were issued and/or returned at………. it is within the jurisdiction of this Hon’ble Court and the cause of action of file the complaint has arisen within the jurisdiction of this Hon’ble Court, this Hon’ble Court can take cognizance of the offence.

10. It is, therefore, most respectfully prayed that this 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 tried and be punished for the commission of offence above mentioned.

Advocate for Complainant

Complainant

Dated :…………

**LIST OF WITNESSES**

1. Complainant.

2. Manager/Authorised officers from Both the Banks i.e. accused and Complainant.

**LIST OF DOCUMENTS**

1. Copy of Power of Attorney/letter authorising to file complaint.

2. Original Cheque being No………… dated…………

 3. Bank return Memo. of Accused and Complainant Bank.

1. Copy of notice dated..……..

2. Postal receipt, A.D Card, UPC