**Pro-forma of a complaint under section 138 by a firm**

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

At…………… ………………..

Complaint No……………… 20…….

M/s……………………

……………………….

through : Shri………….

Partner of the firm …Complainant

Vs.

Mr…………………….

Proprietor/Partner …Accused

……………………….

Complaint under section 138

read with section 142 of the

Negotiable Instruments Act, 1881

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.

7. It is, therefore, most respectfully prayed that the present complaint be registered and summons issued against the accused in accordance with law, who may tried and punished in accordance with law.

**LIST OF WITNESSES**

1. Complainant

2. Manager/Officers/Clerk of the Bankers of the Accused.

3. Manager/Officers/Clerk of the Bankers of the Complainant.

**LIST OF DOCUMENTS**

1. Original returned cheque with Bank memos debit advices and returning memos.

2. Copy of notice the letter dated………………..with postal receipt UPC and AD cards.

Advocate for Complainant

Complainant