

**IN THE COURT OF THE LEARNED CHIEF METROPOLITAN
MAGISTRATE AT KOLKATA**

Compalint Case No. _____ of 2010

Police Station: _____

.... COMPLAINANT.

-VERSUS-

....ACCUSED.

**Charge under section 138 read with section 142 of the Negotiable
Instruments Act, 1881 as amended upto-date.**

The humble petition of complaint on
behalf of the complainant
abovenamed

MOST RESPECTFULLY SHEWETH:-

1. The complainant/petitioner is a law abiding citizen of India and _____ by profession.
2. Sometime in the month of _____ the accused person requested the complainant to provide him some financial help as an interest-free loan to the tune of Rs. _____/- (Rupees _____) only to fulfill his urgent necessity and promised to repay the said amount within three months.

3. Upon the request made by and believing in the promise of the accused the complainant provided him such loan/financial accommodation of Rs. _____/- (Rupees _____) only.
4. In discharge of the existing legal debts and/or liabilities as aforesaid one A/c payee cheque was issued by the accused in favour of the complainant.

A detail of the said cheque is given below:-

<u>Cheque No.</u>	<u>Date</u>	<u>Drawn on</u>	<u>Amount (Rs.)</u>
.....	_____ Bank
		_____ Branch	

5. Upon presentation of the said cheque for encashment within its validity period with the complainant's banker, _____, the same was dishonoured and returned unpaid alongwith the Cheque Returning Memo dated _____ with the endorsement "Insufficiency of funds in the account". The Complainant was intimated about such dishonour by Debit Advice Memo dated _____.
6. The fact of such dishonour of the cheque had been communicated to the accused person by a notice U/s. 138(b) of N.I. Act, 1881 as amended upto-date issued by the Complainant and the said notice was despatched by Regd. Post with A/D on _____ demanding the payment of the amount of the said cheque i.e. Rs. _____/- (Rupees _____) only within 15 days from the date of receipt of the said notice.
7. The Complainant submits that the said demand notice was duly received by the accused person on _____, but inspite of this the accused person failed and neglected to make payment as demanded therein.
8. The accused person has therefore succeeded in deceiving the complainant malafidely, intentionally, purposely and mischievously.

9. The accused has thus committed an offence punishable under section 138 of the Negotiable Instruments Act, 1881 as amended upto-date.
10. This petition of complaint is not barred by the Law of Limitation.
11. The cause of action of this case arose within the jurisdiction of this Learned Court. Hence, this Learned Court is the competent authority and has jurisdiction to try the offence in this instant case.
12. This petition of Complaint is made bonafide and for the ends of justice.

In the aforesaid circumstances it is most respectfully prayed that Your Honour may graciously be pleased to take cognizance of the matter and issue process against the accused person under section 138 read with section 142 of the Negotiable Instruments Act 1881, as amended upto-date and pass such other order or orders as your Honour may deem fit and proper.

And for this act of kindness your petitioner as in duty bound shall ever pray.

List of Documents annexed:-

1. The aforesaid cheque No. _____ in original,
2. The Cheque Returning Memo. Dated _____ in original,
3. The Debit Advice Memo. Dated _____ in original,
4. True copy of the Notice dated _____,
5. Postal Receipt No. _____ in original,
6. A/D card having endorsement by the accused, in original.

List of Witness:-

7. Complainant,
8. Representative from _____ Bank, _____ Branch,
9. Representative from _____ Bank,

10. Others.

Place: _____

Date: _____

Filed By,

Complainant

Through

Advocate

Affidavit

I, _____ (Name), son of _____, aged about _____ years and resident of _____ do hereby solemnly affirm and declare on oath as follows:

1. That I am the Complainant in the Complaint annexed herewith and as such competent to swear this Affidavit.
2. That the statements made in the paragraphs nos. 1 to 12 of the said Complaint are true to the best of my knowledge and belief and the rests are my humble prayer to the Learned Court. I have not also concealed anything therein.

I sign this affidavit on this _____ day of _____, 20__ at _____.

Deponent