

**Procedure for sending legal Notice for Dishonour of Cheque U/s
138**

1. While the Cheque is issued by any person to clear his legal liability and that very cheque is not honoured then as per Negotiable instrument Act, 1881, which is now amended in 2018 for giving more relief to the complainant, whose amount is due to be paid, has to follow the procedure mentioned in the Negotiable Instrument Act, 1881.
2. One legal Notice describing the Cheque No., Bank Memo No.(issued by the bank while returning the dishonoured cheque) and legal liability of the addressee is to be issued within a period of one month from the date of dishonour of Cheque.
3. Fifteen days time is given to the person after issuing the legal Notice by Registered post to clear the debt and in case debt is not cleared then a complaint U/s 138 in cases of individual person and U/s 141 in case of a Company is filed before the Judicial Magistrate First Class, in whose jurisdiction cheque is dishonoured.

Head Note

Ref. No.....

Dated :-

Proforma of Legal Notice U/s 138 Negotiable Instrument Act.

To

Name of the Person and Address

Sub:- Legal Notice under section 138 of Negotiable Instrument Act read with section 420 IPC, amended up-till date.

Sir,

Under the instructions and authorization of my client (Name of the client), (father's name), (age), (address), I do hereby serve upon you this legal notice which is as under:-

1. Description of the case how and why the money was given or why the accused person is indebted to the complainant.
2. The time when the amount was given an assurance of return of the same.
3. When the Cheque was issued on request.
4. When the Cheque was Presented
5. When the Cheque was dishonored?
6. Memo date of the Bank mentioning the reason for dishonor of Cheque?
7. Section 138 notice can be issued whether the Account is closed, funds are insufficient or there is stop payment by the drawer of the Cheque.

Therefore, through this legal notice, as a last resorts, you are hereby called upon to make the payment of Rs./- (Rs) taken by you as..... from my client and for the discharge of which the cheque in question was issued which has ultimately been returned unpaid and dishonoured by your bank. So your are directed to clear your liability Within fifteen days from the

receipt of this notice i.e. the amount of cheque failing which my client shall be compelled to take legal actions under section 138/141 of Negotiable Instrument Act,1881 read with section 420 of Indian Penal Code against you before the competent court of law which provides that the person committing the offence shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twice the amount of the cheque or with both and also under section 420 of IPC which provides other punishment and at the arisen of such eventuality, you shall be liable to pay all the costs of litigation incurred by my client for that forced litigation, for which I have clear instructions from my client.

A copy of this legal notice is being sent to you under REGD AD Cover to ensure its service upon you and the copy of the Legal Notice is retained in office for further proceedings and Action.

Advocate

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
PANCHKULA

Complaint No. _____ of 2018

ID No. _____

Name of complainant

VERSUS

Name of Accused

**In Re:-COMPLAINT under section 138 of
Negotiable Instrument Act, amended up-till
date.**

INDEX

Sr. No.	Particulars	Annexure's	Page Nos.
1.	Complaint		
2.	Affidavit		
3.	List of Witnesses		
4.	Affidavit of Preliminary Evidence		
5.	List of Documents		
6.	Original Cheques bearing no. dated amounting of Rs...../- (Rs. Only)	C-1	
7.	Photocopy of Cheque		
8.	Original Dishonoured Bank Memos dateddue to the reason of “ Funds Insufficient ”	C-2	
9.	Legal Notice dated	C-3	
10.	Original Regd. Postal Receipt dated	C-4	
11.	Address Form		
12.	Process Fee		
13.	Power of Attorney		

14.	Any other document which may be relied upon in future		
-----	---	--	--

Place:-Panchkula

Complainant

Dated:-

THROUGH COUNSEL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,

PANCHKULA

Complaint No. _____ of 2018

ID No. _____

Name of the Complainant.Complainant

VERSUS

Name of Accused.....Accused

**COMPLAINT under section 138 of
Negotiable Instrument Act,
amended up-till date.**

Police Station:- Sector, Panchkula

Most Respectfully Showeth:-

The Complainant, respectfully, submits as under:-

1. The description regarding relation with accused and for what purpose money was given to him/ her.
2. The description regarding assurance for the return of money by the accused and date on which the same will be returned.
3. A) The description regarding accused's failure to return the money after request.
B) Along with mention cheque no. date etc when the same was given to fulfill the assurance.up-till now along with Name of the drawer bank is also required to be mentioned.
4. Mention the below-mentioned information
 - A) presentment of the cheque
 - b) Dishonor of cheque
 - c) Date of the memo of cheque
 - d) reason for dishonor of cheque
 - e) information to accused that cheque has been dishonored, when presented to the drawee bank.

5. Describe the accused intention whether he is ready to clear the outstanding amount or not or putting the matter on pretext or the other.
6. The description regarding legal notice,
 - a) When the same was prepared and sent through Regd post.
 - b) When the legal notice is not received back then it is deemed to have served.
7. Mention below:
 - a) The malafide intention of the accused to defraud and cheat the complainant in taking the money and issuing cheque which is not honoured.
 - b) Accused's failure to make the payment within a period of 15 days of receipt of the legal notice
8. Mention below:

Cause of action and jurisdiction of Court i.e. a) Where the money was given

 - c) Where the cheque was issued.
 - d) Where the cheque was presented
 - e) Where the legal notice was issued
 - f) Where the refusal of accused to clear the legally payable debt.
9. the complaint should be filed within one month of dishonor of cheque, which is a compulsory limitation period.
10. court fee has been affixed upon this complaint.

PRAYER:

It is, therefore, respectfully prayed to kindly pass the order as per the provisions of law i.e. for committing fraud and cheating and the cheque has been dishonored by the drawee bank amounting Rs..... the cheque amount in question along with compensation may kindly be got recovered and be given to the complainant in the interest of justice, equity and law.

And/Or

Any other relief to which this Hon'ble Court deems fit as per the provisions of law may also be granted in favor of the complainant and against the accused.

Place:- Panchkula

Complainant

Dated:-

THROUGH COUNSELS

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,

PANCHKULA

Complaint No. _____ of 2018

ID No. _____

Name of complainant

VERSUS

Name of Accused

**In Re:-COMPLAINT under section
138 of Negotiable Instrument Act,
amended up-till date.**

**Police Station: - Sector 14,
Panchkula**

AFFIDAVIT

I, (name of complainant), W/o/d/o/S/o, aged about years, R/o, Tehsil & District, do hereby solemnly affirm and declare on oath as under:-

1. That the deponent is filing the accompanying complaint u/s 138 of Negotiable Instruments Act regarding cheque bearing no. dated amounting of Rs...../- (Rs. drawn on, Branch at.....
2. That the deponent has not filed any other complaint under section 138 of N.I. Act regarding the above said cheque in any court situated anywhere in India.

Place:-Panchkula

Deponent

Dated:-

Verification:-

Verified that the contents of the above affidavit are true and correct to the best of my knowledge and nothing has been concealed therein.

Place:-Panchkula

Deponent

Dated:-

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,

PANCHKULA

Complaint No. _____ of 2018

ID No. _____

Name of the complainant VERSUS Name of Accused

**In Re:-COMPLAINT under section 138 of
Negotiable Instrument Act, amended up-till date.**

Most Respectfully Showeth:-

LIST OF WITNESSES:-

1. Complainant.
2. The concerned official of the, Branch at, by whom the cheque in question no.datedamounting of Rs...../-(Rs.only) drawn on, Branch atPanchkula has been returned back unpaid and dishonored vide bank memo dateddue to the reason of “.....” along with entire records and documents.
3. The concerned official of, Branch at,, Tehsil & District with whom the complainant presented the above said the cheque in question bearing no.datedamounting of Rs...../-(Rs. only) drawn on, Branch at issued by the accused in the name of the complainant and the same has been returned to the complainant along with bank memo dateddue to the reason of “.....” along with entire records and documents.
4. Any other witnesses required and found relevant in future.

Place:- Panchkula

Complainant

Dated:-

THROUGH COUNSELS

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
PANCHKULA

Complaint No. _____ of 2017

ID No. _____

Name of the complainant VERSUS Name of the Accused

**In Re:-COMPLAINT under section
138 of Negotiable Instrument Act,
amended up-till date.**

LIST OF DOCUMENTS

Sr. Nos.	Particulars
1.	Original Cheque bearing no.datedamounting of Rs...../- (Rs. Only)
2.	Original Dishonoured Bank Memo dateddue to the reason of “.....”
3.	Legal Notice dated
4.	Original Regd. Postal Receipt dated.....

Place:-

Dated:-

Complainant

THROUGH COUNSELS