

IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS

Versus

**COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF N.I ACT**

EVIDENCE BY THE WAY OF AFFIDAVIT

I, S/o, Age-....., R/o H.No.
.....
, do hereby solemnly affirm and declare as under:-

1. That the deponent is residing at the address as given above and friend of the accused named above.
2. That the accused approached the deponent and asked for a friendly loan of Rs...../-(Rupeesonly) for running business.
3. That the deponent on the basis of his relations with the accused provided him a friendly loan of Rs...../-(Rupees only).
4. That the deponent reminded him to repay the amount as promised the accused issued a cheque No..... dated of Rs...../-(Rupees only) of Bank of branch-..... **EX-C1**.
5. That when the deponent presented the above mentioned cheque with his banker Bank, branch- and the same was returned on dated with the remarks “.....” along with the original

returned memo **EX-C2**, and deponent informed to accused but accused did not responded and avoided to provide any other further assurance to repay back the amount of cheque which shows his malafide intention.

6. That the deponent within a stipulated period issued a legal notice to the accused on **EX-C3**, giving him a period of 15 days from the date of receipt of the notice to pay back the loan amount or to face legal action. The accused intentionally avoiding to make payment, despite receipt of the said legal notice, the accused has not paid the amount of the above said dishonored cheque to the deponent, although a period of more than 15 days from the date of receipt of the said legal notice has been expired. Hence, the deponent has been left with no other option to file the present complaint. The accused is liable for the consequences on the dishonored of the above said cheque. The deponent specifically reserved its right to take over appropriate legal action against the accused for recovery of its dues along with cost. Postal receipt **EX-C4**.
7. That the accused had issued the cheque in question, returns unpaid on its due presentation under assurance and promise, shows bad, malafide and deliberate intention to issue a cheque with criminal intent in order to cheat and fraud the deponent. According to Negotiable Instruments Act, the accused has rendered himself liable to be punished for criminal offence committed by him and specifically under the sections 138, 142 of the Negotiable Instruments Act.
8. That the deponent bank is situated inand the territorial jurisdiction consist in the power of this Hon'ble Court, hence this Hon'ble court has got jurisdiction to try and decide the present deponent being the cheque issuing bank is under the jurisdiction of this Hon'ble court.
9. That the accused is liable to pay the double amount of the dishonored cheque and with compensation and along with

fine is also liable to be punished according to the law amended up to date.

10. That no other complaint is pending in any other court regarding the above said cheque and the present complaint is within limitation as per the provision as per the provisions of the Act.

Deponent

Verification:-

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

Deponent