SUPREME COURT OF INDIA

Suman Sethi v. Ajay K. Churiwal & Anr.

Citations: (2000) 2 SCC 380 : AIR 2000 SC 828 : 2000 SCC (Cri) 414

Coram: Hon'ble Mr. Justice K.T. Thomas & Hon'ble Mr. Justice D.P. Mohapatra | **Date of Decision:** February 2, 2000

SUBJECT: Negotiable Instruments Act, 1881 - Section 138 Proviso (b) - Validity of Statutory Demand Notice - Omnibus Demands

OFFICIAL JUDGMENT SUMMARY & RATIO DECIDENDI:

Held: A statutory demand notice under Section 138 proviso (b) must strictly demand payment of 'the said amount of money'—which refers exclusively to the amount represented by the dishonoured cheque. If the payee makes an omnibus demand claiming an aggregate sum including interest, damages, and incidental costs without clearly specifying or segregating the actual cheque debt, the notice is defective and fatal to the prosecution. A composite notice is valid only if the cheque amount is clearly demarcated so that the drawer is given fair notice to pay the exact statutory cheque debt within 15 days.
