

IN THE COURT OF ANIL KAUSHIK,
ADDITIONAL SESSIONS JUDGE,
GURUGRAM. (UID No.HR0283)

Date of Institution	12.08.2026
Date of Decision	12.08.2026
CIS No.	CRR 461 of 2026
CNR No.	HRGR01-013088-2026

1. **Anil Kathuria** son of Sh. Lakhbir Singh Kathuria
2. **Pooja Kathuria** w/o Sh. Anil Kathuria

Both resident of G-112, Palam Vihar, Gurugram – 122017,
Haryana

...Revisionists/accused.

Vs.

State of Haryana

...Respondent/accused.

Criminal Revision Petition against the order dated 01.08.2026
passed by the Court of Sh. Sachin Kumar Singh, Ld. JMFC,
Gurugram in case bearing CIS No. REMP/1503/2026

Present : Sh. Ajay Khanna and Sh. Hitesh Bajaj, Advocates for the
Revisionist.
Ms. Anita Chaudhary, PP for the State-respondent.

O R D E R

Vide this order, I shall dispose of the revision petition filed by the revisionist/accused persons against the order dated 01.08.2026 passed by the Court of Sh. Sachin Kumar Singh, Ld. JMFC, Gurugram in case bearing CIS No. REMP/1503/2026 whereby the application for production of accused before Registration Authority for registration of GPA was dismissed.

2. Learned counsel for the revisionist have submitted that Ld. Trial Court has not applied its mind while passing the impugned order dated 01.08.2026 and has applied wrong principle of law i.e. Section 302 BNSS while deciding the application of accused persons seeking physical production from jail for execution of a general power of attorney whereas Section 38 of the Registration Act, 1908 had to be applied.

3. Ld. PP for the State-respondent subscribed to this arguments so raised by the learned counsel for revisionist and she has fairly conceded that this application moved by the revisionist before Ld. Trial Court should have been decided as per the mandate of Section 38 of the Registration Act.

4. This court also find itself in conformity with the arguments so raised by learned counsel for revisionist. This being the admitted position, there is no requirement of calling for Trial Court Record as the copy of impugned order is placed on file which is uploaded in CIS. Present revision stands disposed of with direction to the Ld. Trial Court to decide the application of the accused persons/revisionist afresh keeping in mind the provisions of Section 38 of the Registration Act, 1908 which postulates :

“38. Persons exempt from appearance at registration-office :-

(1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) person exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.”

Anil Kathuria Vs. State of Haryana

3.

CNR No. : HRGR01-013088-2026

CIS No. : CRR 461 of 2026

5. I order accordingly. Revision petition stands disposed. Needless to say that the above observation of this Court shall not affect the matter before Ld. Trial Court in any manner and the findings of this Court are only regarding the wrong application of principle of law by the Ld. Trial Court. Ld. Trial Court is at liberty to decide the application on merits. Revisionist is directed to appear before the Ld. Trial Court on 26.08.2026. A copy of this order be sent to the Ld. Trial Court for information. Revision petition file be consigned to record room, after due compliance.

Announced in open Court,
Dated: 12.08.2026

(Anil Kaushik),
Additional Sessions Judge,
Gurugram, (UID No. HR0283)

(Rohit Kumar)
Stenographer-II

Note :- This judgment contains **3** pages and all the pages have been checked and signed by me.

(Anil Kaushik),
Additional Sessions Judge,
Gurugram. 12.08.2026
(UID No. HR0283)

Anil Kathuria Vs. State of Haryana

4.

CNR No. : HRGR01-013088-2026

CIS No. : CRR 461 of 2026

Present : Sh. Ajay Khanna and Sh. Hitesh Bajaj, Advocates for the
Revisionist.
Ms. Anita Chaudhary, PP for the State-respondent.

Present criminal revision petition has been received by way of assignment. It be checked and registered. Alongwith the revision petition an application seeking exemption from filing of certified copy of impugned order has also been filed. Since, the said order is uploaded in CIS as checked by this Court on CIS portal, the exemption stands allowed.

Ld. Public Prosecutor present in the Court appeared in this revision. Arguments heard. Order pronounced. Vide my separate detailed order of even date, the present criminal revision petition has been **disposed of with direction**. Revisionist is directed to appear before the Ld. Trial Court on 26.08.2026. After due compliance, revision file be consigned to record room.

Announced in open Court,
Dated: 12.08.2026

(Anil Kaushik),
Additional Sessions Judge,
Gurugram, (UID No. HR0283)

(Rohit Kumar)
Stenographer-II