

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.7347 OF 2019

Sanjay s/o Shankarrao Kotangale

Versus

Assistant Commercial Manager, Central Railway, Nagpur Division, and
others

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Mr. A.B. Bambal, Advocate for Petitioner.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 14 JANUARY 2021

The learned Counsel for the Petitioner submits that as per the provisions of the Railway Vigilance Manual, two independent witnesses and two Gazetted Officers are required at the time of trap. He submits that none of the witnesses examined against the Petitioner were as per the provisions of the Manual and therefore the inquiry was vitiated. However, we do not find any such argument made before the Tribunal, from the impugned order. The learned Counsel for the Petitioner asserts that this argument was made before the Tribunal. It is settled that if an argument is made and not reflected in the order, remedy is to approach the same Court/Tribunal.

2. In view of above, the learned Counsel for the Petitioner seeks leave to withdraw this petition to file a Review Application before the Tribunal.

3. The Writ Petition is disposed of as withdrawn.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)