

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
UTHUKULI**

Present : Thiru. B. Dharaneether, B. A., L.L.M.,
District Munsif cum Judicial Magistrate,
Uthukuli.

Dated : Friday, the 27th day of March 2026

RCS. No.171/2025

Cr.No.205/2025

Uthukuli P.S

U/s. 289, 106(1) BNS

Date :27.03.2026

ORDER

Heard. Records perused and considered.

On perusal of records, it is found that the Inspector of Police, Uthukuli Police Station has filed a report Under Section, 289, 106(1) BNS recommending the dropping of the proceeding in this case (i.e.,) Cr.No.205/2025.

This petition has been filed by the defacto complainant under Section 193 9 of Bharatiya Nagarik Suraksha Sanhita seeking further investigation in Crime No 205 of 2025 on the file of Uthukuli Police Station. The case of the prosecution as seen from the final report is that on 17.04.2025 the husband of the petitioner namely Chandrasekaran while working as a crane operator in a private company sustained fatal injuries during the course of his work and subsequently died. The Investigating Officer has referred the case as Further Action Dropped on the ground that the occurrence was due to the negligence of the deceased himself. Notice was issued to the defacto complainant. The defacto complainant appeared and filed the present petition along with affidavit

opposing the final report and seeking further investigation. The core conclusion of the Investigating Officer is based on the allegation that the deceased had failed to lower the magnet attached to the crane before alighting from the cabin and that such omission resulted in the accident. This Court has carefully considered the final report, case diary materials, postmortem certificate and the objections raised by the defacto complainant. It is seen that the conclusion of the Investigating Officer is primarily based on the statements of co workers who were present at the place of occurrence. The statement of the eyewitness Nithishkumar attributes the accident to the negligence of the deceased in not lowering the magnet before getting down from the crane cabin. It is true that the occurrence has taken place within the premises of the factory and naturally only co workers who were present at the site could have witnessed the incident. Therefore, their statements cannot be discarded merely on the ground that they are employees of the same establishment. However, the entire conclusion of the Investigating Officer rests upon the specific allegation that the deceased had not lowered the magnet before alighting from the crane cabin, which is a crucial factual aspect forming the basis of the final report. It is quite natural that immediately after the occurrence the co workers would have taken steps to lower the magnet and secure the crane and therefore the original position of the magnet may not have been available for direct verification at a later stage. Even then, the said crucial aspect ought to have been ascertained through other available means. However, it is seen that no technical or scientific verification has been undertaken by the Investigating Officer. There is no material to show

that any mechanical inspection of the crane was conducted, no expert opinion has been obtained and no attempt has been made to analyse the operational or safety aspects of the machinery involved. The postmortem certificate reveals that the deceased sustained multiple ante mortem injuries including cervical vertebra fracture with spinal cord injury and intracranial hemorrhage due to blunt trauma to the head and neck. While the medical evidence establishes the cause of death, it does not conclusively establish the precise manner in which the occurrence took place. The defacto complainant has also raised objections regarding the manner in which the complaint was recorded and the fairness of the investigation. Though these allegations are yet to be established, they further necessitate a careful and complete investigation. In the considered view of this Court, while the version of the co workers cannot be discarded, the same has not been subjected to any independent or technical verification and the conclusion of the Investigating Officer rests solely on such oral statements. In such circumstances, this Court finds that the investigation is not complete and the matter requires further investigation to ascertain the true facts relating to the occurrence. Accordingly, this Court is not inclined to accept the final report at this stage. Hence, further investigation is ordered in Crime No 205 of 2025 on the file of Uthukuli Police Station. The Superintendent of Police concerned is directed to entrust the investigation to a competent officer other than the officer who conducted the earlier investigation. The Investigating Officer so appointed shall conduct further investigation independently and examine all relevant aspects including the manner of occurrence and technical aspects of the

machinery involved and file a fresh report before this Court within a reasonable time. The petition is allowed. Further investigation is ordered. The final report is not accepted at this stage.

Hence, on considering the all the above the referred report filed by the Police in this case is accepted and the FIR is closed as Further Action Dropped [FAD].

**District Munsif cum Judicial Magistrate,
Uthukuli.**