



H.C.P.(MD).No.70 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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Esakki

.. Petitioner/Father of the Detenu

Vs.

1.The Union of India,
Through it's The Director General,
Sashastra Seema Bal,
East Block – V,
R.K. Puram, New Delhi – 110 066.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

3.The Commandant,
Ministry of Home Affairs,
Sashastra Seema Bal,
No.73, B.N. Sein Thuk,
West Kameng District,
Arunachal Pradesh.



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4. The Inspector of Police,
Chennai Central Police Station,
Chennai Railways,
Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents to produce the person or body of the detenu namely, Mr.Bala Murugan, son of Esakki, aged about 34 years before this Court and set him at liberty.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
(for R1 and R3)
Mr.RMS.Sethuraman
Addl. Public Prosecutor (for R2 and R4)

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The son of the petitioner, by name, Balamurugan worked as Constable with the Indian Para Military Force, Sashastra Seema Bal (SSB). Alleging that he has gone missing since 19.02.2023, a complaint has been



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given by the petitioner and the habeas corpus petition is filed on the same line.

2. Status Report filed by the second respondent reveals that the said Balamurugan, who is the son of the petitioner was a Constable in Shahdra Seema Bal (SSB) for 13 years. He came on leave to the native on 19.10.2022. Though his leave expired on 09.11.2022, he did not report for duty and overstayed in his native for more than four months. The Commandant, SSB, had lodged a complaint about his non-reporting to duty before Golabar Police Station, where the said Balamurugan was supposed to report for duty. Departmental action for desertion was also initiated and the same has been communicated to the family members of Balamurugan. While so, the petitioner had stated that his son boarded train on 14.02.2023 to Calcutta and he was in contact with the family till 19.02.2023 and thereafter, he lost his contact.



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3. The action taken report by the Commandant indicates that pursuant to the action taken by the department for desertion, the said Balamurugan has left the native Tenkasi and boarded at train and alighted Howrah. Thereafter, there is no evidence where he went.

4. A combined reading of the status report filed by the second respondent and the action taken report of the third respondent would clearly indicate that the son of the petitioner overstayed his leave. Though he left his native after four months of the expiry of leave, he did not report for duty. Presently, his whereabouts not known. Regarding his missing, a criminal case has been registered by the Golabar Police Station at the instance of the Commandant, SSB. Another complaint by his relative to the local police station now stands transferred to the Howrah Railway Police for investigation since he was last found alighting at Howrah Railway Station.

5. In the light of the above facts, this Court is of the view that the pendency of the habeas corpus petition will not serve any purpose. The



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department has already been pursuing the matter regarding missing of the deserted constable Balamurugan. Hence, this Habeas Corpus Petition is disposed of with a direction to the respondents 1 and 3 to continue their effort of tracing the missing constable Balamurugan and take appropriate action in accordance with law.

6. If there is no progress in tracing the missing constable Balamurugan, liberty is given to the petitioner to approach this Court after six months.

(G.J.,J.) (C.K.,J.)
26.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

skn

Note: Issue copy to the Station House Officer,
RBF, Howrah Railway Junction, Calcutta.

To

1. The Director General,
Union of India,
Sashastra Seema Bal,
East Block – V, R.K. Puram, New Delhi – 110 066.



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2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

3.The Commandant,
Ministry of Home Affairs,
Sashastra Seema Bal,
No.73, B.N. Sein Thuk,
West Kameng District,
Arunachal Pradesh.

4.The Inspector of Police,
Chennai Central Police Station,
Chennai Railways,
Chennai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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