IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 78 of 2024
and Crl.M.P.Nos.596 and 598 of 2024

1. Smriti Achuthan
Wife of Mr.P.J.Thomas, 493, Jalvayu
Towers, NGEF Layout, Indira Nagar
Post, Bangalore - 560 038.

Petitioner(s)

Vs

1. The State Represented By
The Inspector of Police, Cyber Cell,
Central Crime Branch, Chennai Police,
Chennai - 600 007. (X Crime No.172 of
2011)

2.M/s.Pace Automation Limited
Empee Towers, 5th Floor, 59, Harris
Road, Pudupet, Chennai – 600002.

(R2 Suo-motu Impleaded As Per Order
Of This Court Dated.19.01.2024 Made
In Crl.Rc.78/2024)

Respondent(s)

PRAYER

Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure, 1973, praying to call for the records culminating in the impugned Order dated 04-01-2024 passed in Crl.MP.No.50295/2023 in

CC.No.191 of 2022, by the Learned Additional Chief Metropolitan Magistrate, Egmore, Chennai - 600008, pending disposal of the Criminal Revision Petition and pass such further or other Orders as this Honble Court may deem fit and proper in the facts and circumstances.

For Petitioner(s):	MrArun Anbumani
For Respondent(s):	Mr.K.Rajeev for Mr.N.Suresh for R2. Dr.C.E.Pratap Government Advocate (Criminal Side)

ORDER

Challenging the impugned order passed in Crl.M.P.No.50295 of 2023 in C.C.No.191 of 2022, the revision petitioner has preferred this revision.

2. The petitioner herein is ranked as 5th accused in C.C.No.191 of 2022. As per the final report submitted by the respondent police, against six persons including the petitioner herein alleging commission of offence punishable under Sections 408, 420, of IPC r/w. Section 66 of Information Technology Act, 2000, read with Section 120B of IPC, a case has been registered in Crime No.172 of 2011 dated 30.03.2011, pursuant to a complaint dated 31.01.2011 lodged by the defacto complainant. Since the petitioner claimed herself as innocent and not committed any offence as alleged in the final report and also found that there is

no grounds or materials to proceed against her for the alleged commission of offence, she filed a petition before the trial court praying to discharge her from C.C.No.191 of 2022. On hearing the objection of the respondent police, the trial Judge finally held that whether the commission of offence made out against the petitioner or not can be found only during the course of trial and not at the stage of the framing of the charges. Holding so, the petition was dismissed. Aggrieved by the said dismissal order, the present revision has been preferred.

3. Brief facts of the case:-

As per the complaint given by the 2nd respondent/defacto complainant, FIR was lodged with allegations as follows:-

> "Pace has employed around seventy five engineers, spent considerable amount of efforts and money in developing these solution. All the solutions developed were the independent work of Pace and it owns all the intellectual property (IP) of these software. The technical documentation leading to the development of these application software ad the source code of these application are important and valuable assets of Pace.
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> One Mr.Shailesh Rajagopalan, S/o.Mr.N.S.Rajagopalan, residing at 42/19, 1st Main Road, Gandhi Nagar, Adyar, Chennai-600 020, Mr.S.Durai Murugan, S/o.Mr.P.Subramnian, residing at 1159 LIG -2, TNHB, Velachery, Chennai-600 042 and Ms.S.Aswini D/o.Mr.P.Srinivasan, residing at No.12/24, V.V.Koil Street, Postal Nagar, Chrompet, Chennai-600 044 joined our company in the year April 2004, August 2005, and April 2006 as Assistant Vice President-Operations,

Engineer-Software and Trainee Software respectively.

....

Recently I happened to see Aswini and Durai Murugan together. This made me to suspect that there is some nexus between Aswini and QUIDEL software. "

4. At the time of lodging of the complaint by the 2nd respondent herein, there was no allegation raised against this petitioner. But the revision petitioner happened to see the news article wherein her name also been mentioned and apprehending arrest, she filed anticipatory bail petition wherein the defacto complainant and Police appeared and raised objection and she obtained anticipatory bail from this court and appeared before the Respondent Police as and when she was asked to for investigation. Thereafter, since there was no further investigation and that she had no role to play in the offences alleged, she was not called by the respondent police and after the year 2011, she was never heard from the respondent and she was under the impression that she would have called for as a witness in the case . But when the final report was filed against other accused, the respondent police informed her that she was being arrayed as 5th accused in C.C.No.191 of 2022 and she was made to appear before the trial court and she has been furnished with a copy of the final report. Against this petitioner, the Investigating Officer made allegations as follows:-

" It appears that the 1st to 6th accused in the case, who worked previously with the company in various capacities as Software engineers, Engineer-Technical, AVP Operations, President and CEO, Secretary to CEO, violated the code of ethics, breached the trust reposed upon them by the company, entered into criminal conspiracy and illegally traded with the software exclusively created by the company for its clients, exchanged and shared the encrypted code among themselves, causing wrongful loss to the company, for the illegal benefit of Optima Consulting and Solutions, to which company all the accused appear to have later joined and wrongfully gained. On the basis of such allegations the accused are alleged to have committed offences punishable under Sections 408 and 420 of the IPC and Section 66A of the Information Technology (Amendment) Act, 2008.

..

A-5 Smriti Achuthan, joined Pace Automation, an executive assistant to the Chairman and CEO, on 01.06.2009. She working in the company as Secretary to A-4 Bimal Nair and left the job on 20.09.2010. During her tenure, she as secretary to the CEO, helped A-4 to get business orders from the company's client in his own name, instead of Pace automation to which both are working and later joined him in Optima consulting and solutions. The accused appears to have full knowledge of the wrongful intention of A.4 to divert the business from the company to his new software solutions and thus breached her trust and cheated Pace Automation, using the information technology with wrongful intention.'

5. The revision petitioner contend that the final report filed by the Police against her as such is false, untenable and she was unnecessarily implicated in this case as she was employed in the company as Executive Assistant and was working in the Executive side and not having any software knowledge and she did not possess software or source code knowledge. She claimed that the final report is frivolous one, not supported by any material. Therefore, she filed application and taken steps before this court to quash the proceedings at the earliest point. However, she was directed to approach the trial court to file application for discharge and raise if any defence available to her. Accordingly, she filed application. But the trial court failed to take note of the same. It was dismissed. The said trial court order is challenged on the following grounds:-

a. The Trial Court ought to have seen that the Final Report does not contain any materials setting out even a mere suspicion for framing of charges against the Petitioner, leave alone existence of a strong suspicion founded upon materials available on record so as to form a presumptive opinion as to the existence of the factual ingredients constituting the offences alleged. Even if the Final Report is accepted in its entirety, still the same does not prima facie constitute a case against the Petitioner herein for any offence, much less the offences alleged. As the charge against the Petitioner is groundless, she deserves to be discharged from the case.

b. The Trial Court ought to have seen that there are absolutely no grounds or materials to proceed against the Petitioner herein for the alleged commission of offences punishable under Sections 408, 420 of the Indian Penal Code r/w Section 66 of the Information Technology Act, 2000 read with Section 120B of the Indian Penal Code and/or any other offence, and thus the Petitioner deserves to be discharged from the case in C.C.No.191 of 2022, so as to avoid insurmountable harassment, agony, pain, rigmarole and ordeal of going through a trial which will end in her acquittal.

c. The Trial Court ought to have seen that while the de-facto complainant's complain dated 24-01-2011, based on which the FIR dated 30-03-2011 came to be registered alleges certain acts said to have been committed by the 1st to 3rd Accused in the case another complaint of the de-facto complainant dated 31-01-2011 which has been furnished along with the Final Report papers alleges certain further acts said to have been committed by the 1st to 3rd, 4th and 6th Accused in the case. Neither in the said complaint dated 24-01-2011 and FIR dated 30-03-2011 nor in the complaint dated 31-01-2011, any reference, leave alone allegations, are made/levelled against the Petitioner. Subsequently the case appears to have been developed by the de-facto complainant and the Respondent Police, solely with a view to implicate the Petitioner herein also as an Accused. However, even the same does not also further the case in any manner.

d. The Trial Court ought to have seen that the Petitioner was employed in the de-facto complainant's company for a very brief period, 1.e., during June 2009 to 21-09-2010, as an Executive Assistant and she had no nexus whatsoever with the software/technical side of the company. The Petitioner was neither a Software Engineer nor had anything to do with computer programming and source codes/software. This is precisely why no allegations have been made against the Petitioner either in the complaints dated 24-01-2011 and 31-01-2011 or in the FIR dated 30-03-2011 registered by the Respondent Police, several months after the Petitioner left the services of the company.

e. The Trial Court ought to have seen that the entirety of the allegations pertaining to the source codes/software revolves only around the 1st, 2nd, 3rd, 4th and 6th Accused in the case. Neither the complaints dated 24-01-2011 and

31-01-2011 nor the FIR dated 30-03-2011 makes any allegations anything against the Petitioner. However, as indicated supra, the de-facto complainant has attempted to improve her case by implicating the Petitioner also, in her Section 161 Cr.P.C. Statement. It is to be seen that there was no necessity for the Petitioner to be given with any source codes as she was merely an Executive Assistant in the company and not working in the software/technical side of the company. In any event, as offences of cheating, breach of trust, criminal conspiracy under the Indian Penal Code and also offences under the Information Technology Act, 2000, are alleged in the Final Report, in the absence of any documentary evidence in the form of electronic records, etc., the ipse dixit statements of the witnesses cannot fasten any liability or criminality of the Petitioner. Admittedly, there are absolutely no materials in the Final Report to substantiate such ipse dixit statements, as against the petitioner. Thus, the Petitioner deserves to be discharged from the case.

f. The Trial court ought to have seen that the specific allegations made in paragraph 8 of the Final report are not supported by any material whatsoever. Merely seeking to accuse the petitioner of certain acts, without any tangible material or legally admissible evidence to substantiate the same, is not sufficient to proceed against the petitioner also as an accused in the case. She has been maliciously implicated as an accused in the final report and same is manifestly attended with mala fides and ulterior motives. The petitioner therefore deserves to be discharged from the case.

g. The trial court, in it analysis of section 66 of the Information Technology Act, 2000, failed to see that there were no legally acceptable materials whatsoever to even infer the commission of an offence under Section 66 of the said Act. The case of the prosecution itself in this regard is not at all definitive and can at best be assumptive and presumptive in nature, as is evident from the final report. The prosecution merely alleges that the petitioner appears to have full knowledge of the wrongful intention of A4, which allegation is not supported by any material. Even assuming but not conceding that the said allegation has some substance, still the same does not and cannot make out the offences alleged in the final report.

h. The trial court failed to take into consideration the dictum laid down by the Hon'ble Supreme Court in Depakbhai Jagadishchandra Patel Vs. State of Gujarat and Another, reported in (2019) 16 SCC 547, that '.........A strong suspicion suffices. However, a strong suspicion must be founded on some material. The material must be such a s can be translated into evidence at the stage of trial. The strong suspicion cannot be the pure subjective satisfaction based on the moral notions of the Judge that here is a case where it is possible that the accused has committed the offence. Strong suspicion must be the suspicion which is premised on some material which commends itself to the court as sufficient to entertain the prima facie view that the accused has committed the offence.' The trial court failed to approach the case in the light of such guiding principles and fell in grave error in brushing aside the positioner's plea by observing that the doubts/claims raised by the petitioner can be decided only at the stage of trial and that a prima facie case has been made out against the petitioner.

i. The Trial Court ought to have seen that the only material in the voluminous Final Report papers that has reference to the Petitioner is an alleged email dated 21-09-2010 sent by the 4th Accused to the 3rd Accused, the Petitioner and the 6th Accused. There is nothing in the said email to even infer the commission of the offences alleged in the Final Report by the Petitioner. Even assuming the case of the prosecution that the Petitioner resigned from the de-facto complainant's company and joined the company of the 4th Accused, viz., Optima Consulting and Solutions, to be true, still the same cannot fasten any criminality upon the Petitioner.

6. Submitting the above grounds, the learned counsel for the revision petitioner also raised the contention that the impugned order passed by the trial Judge is unsustainable and prayed to set aside the order as it is illegal and

erroneous against law and unacceptable one. To support the argument, the learned counsel for the petitioner relied on the decision reported in ***2023 SCC Online 1582 [VISHNU KUMRAR SHUKLA AND ANOTHER VS. STATE OF UTTAR PRADESH AND ANOTHER]***, wherein, in paragraph Nos. 20, 21, it is held as follows:-

"20. In State of Tamil Nadu v N Suresh Rajan, (2014) 11 SCC 709, it was observed notwithstanding the difference in language of Sections 227 and 239, CrPC, the approach of the Court concerned is to be common under both provisions. The principles holding the field under Sections 227 and 228, CrPC are well-settled, courtesy, inter alia, State of Bihar v Ramesh Singh, (1977) 4 SCC 39; Union of India v Prafulla K Samal, (1979) 3 SCC 4; Stree Atyachar Virodhi Parishad v Dilip N Chordia, (1989) 1 SCC 715;Niranjan Singh Karam Singh Punjabi v Jitendra B Bijjaya, (1990) 4 SCC 76; Dilawar B Kurane v State of Maharashtra, (2002) 2 SCC 135; Chitresh K Chopra v State (Government of NCT of Delhi), (2009) 16 SCC 605; Amit Kapoor v Ramesh Chander, (2012) 9 SCC 460; Dinesh Tiwari v State of Uttar Pradesh, (2014) 13 SCC 137; Dipakbhai Jagdishchandra Patel v State of Gujarat, (2019) 16 SCC 547; and State (NCT of Delhi) v Shiv Charan Bansal, (2020) 2 SCC 290. We need only refer to some, starting with Prafulla K Samal (supra), where, after considering Ramesh Singh (supra), K P Raghavan v M H Abbas, AIR 1967 SC 740 and Almohan Das v State of West Bengal, (1969) 2 SCR 520, it was laid down as under:

'10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

> (1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

> (2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.
>
> (3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.
>
> (4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on.

This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.' (emphasis supplied)

21. In Niranjan Singh Karam Singh Punjabi (supra), this Court was alive to reality, stating that '… it cannot be expected even at the initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.' If a view gives rise to suspicion, as opposed to grave suspicion, the Court concerned is empowered to discharge the accused, as pointed out in Sajjan Kumar v Central Bureau of Investigation, (2010) 9 SCC 368. The Court, in Dinesh Tiwari (supra) had reasoned that if the Court concerned opines that there is ground to presume the accused has committed an offence, it is competent to frame a charge even if such offence is not mentioned in the Charge Sheet. As to what is 'strong suspicion', reference to Dipakbhai Jagdishchandra Patel (supra) is warranted, where it was explained that it is '… the suspicion which is premised on some material which commends itself to the court as sufficient to entertain the prima facie view that the accused has committed the offence.'

7. By way of reply, the learned Government Advocate (Criminal Side) submits that though at the time of giving the complaint, there was no allegation levelled against this petitioner, after the lodging of the FIR, during the course of investigation, the Investigating Officer found incriminating materials found

against this petitioner. Therefore, she was added as 5th accused as per the final report and also contended that when she was employed under A-4, she also committed breach of trust as she had full knowledge about the wrongful intention of A-4 who developed the business from defacto complainant to his new software solutions, thereby, she also assisted A-4 indulged in criminal conspiracy and illegally traded with the software exclusively created by the company for its clients, exchanged and shared the encrypted code among themselves, and caused wrongful loss to Pace automation, for the illegal benefit of the company viz., Optima Consulting and Solutions to which company all the accused appears to have later joined and wrongfully gained which was supported by the accused wherein this petitioner also joined with one of the employee subsequently. In fact the Investigating Officer collected sufficient materials, therefore, she was arrayed as 5th accused and if at all she has not committed any such breach of trust, the same can be proved after completion of the trial and not at the stage of framing of charges, to that effect, the reasons assigned by the trial Judge by dismissing the discharge application, as such, is valid and requires no interference.

8. Learned counsel for the 2nd respondent also submits that though at the time of lodging the complaint, her name was not specifically mentioned, but later, they found that when she employed under A-4, she also assisted him to

transfer source code and other important document of Pace Automation who was in turn used for forming a new company by the accused persons under the name and style "Optima Consulting and Solutions"; thereby, revision petitioner also committed breach of trust and caused wrongful loss to the complainant company by using the Information Technology for the illegal gain. Therefore, she was rightly implicated as 5th accused at the time of filing of the final report; if at all any defence available to her, she is bound to prove the same, by adducing proper evidence before the trial court. To that effect, the findings given by the trial Judge is valid and requires no interference.

9. This court considered the above submissions. The petitioner being the 5th accused approached the trial court praying to discharge her from the entire criminal proceedings in C.C.No.191 of 2022 stating that she was not indulged in transfer of source code and Information Technology of the Defacto complainant company. She claimed that she was appointed as an employee on the Executive side and was working as an Executive Assistant to Chairman/President & CEO of the company and she did all the work as instructed by him and she was neither a software engineer nor had anything to do with computer programming and she was not having software knowledge and she was not having knowledge in Intellectual Property or software or source code belonging to the defacto complainant company. Near about one year, she was employed and thereafter,

she joined in the Optima Solutions and working there for two months, thereafter she shifted to Bangalore and she got married and settled.

10. On a perusal of petitioner's appointment order, it reveals that she was appointed as an Executive Assistant by the 2nd respondent – de facto complainant company on 01-06-2009 as an Executive Assistant to President and CEO and she was assigned work of maintaining office procedure and systems, document the proceedings of internal/client meetings, to liaise and coordinate with all departments to ensure timely execution of jobs and to report back on status, receive and evaluate activities to identify those requiring priority attention, to assist in the planning, organization and implementation of long term, general and day to day operations, administration and facilities, disseminate management policies and business requirements to all concerned, assist and coordinate meetings/travel for the Chairman/President and CEO, to provide administrative support to top management, assist with the preparation and presentation of reports, conduct orientation programmes within the organization.

11. Admittedly, she was working under A-2 and A-4. It is also an admitted fact that she completed M.Sc., in Management and Marketing at Management School, UK and it appears that she is a Management Graduate nor software

engineer.

12. The FIR allegations reveals that complaint was lodged on 24.01.2011 by the 2nd respondent and a copy of the complaint was enclosed in the typed set of papers which raised various allegations against 1.S.Aswini, 2. S.Durai Murugan, 3. Shailesh Rajagopalan. Again another complaint was given on 30.03.2011 wherein the defacto company raised the allegations against one Bimal Nair -A.4 and Shilpa Malik -A.6 and the allegations are as if they were conspired to steal the Intellectual Property of Pace Automation and to carry on the business and to use the same and to carry on their business by forming a new company under the name and style of Optima Consulting Solutions. Therefore, at the earliest point of time, on two occasions, defacto complainant lodged a detailed complaint about stealing of their company's Intellectual Property against 5 persons as stated above and there is no single allegation against this petitioner.

13. Admittedly, she was employed in the defacto complainant company from June 1, 2009 to 20th September 2010 as Executive Assistant. When the final report was submitted before the court in the year 2021, near about 10 years later, at the time of filing of the final report, name of the petitioner was included as A-5. In the said final report, against this petitioner it was stated that she was

working in the company as Secretary to A4. But she resigned the job on 20.09.2010. It is further alleged that during her tenure, she as secretary to the CEO, helped A-4 to get the business orders from the company's clients in his own name, instead of Pace Automation, to which both are working and later joined in Optima Consulting and Solutions and she appears to have full knowledge of the wrongful intention of A-4 to divert the business from the company to his new software solutions and thus breached the trust and cheated Pace automation, using the information technology with wrongful intention.

14. Even on bare perusal of statement of Assistant Director of Forensic Science Department, metallic white Apple laptop and other electronic devices belonging to A-1 to A-4 were subjected to Forensic Examination, however, no such materials in respect of the petitioner is available in the Final Report. Even as per the notice issued by the defacto complainant company on 21.10.2010 to this petitioner, there was allegation against this petitioner that she colluded with A-4 to work against the interest of the defacto complainant company which was replied through reply notice dated 02.11.2010 wherein she has denied the allegations levelled against her where she has specifically stated that she has not handled with any Intellectual Property of the company nor she violated any terms and conditions of the service regulations of the company, therefore, she gave suitable reply after resignation to the defacto complainant company. After

that exchange of notice, complaint was given and complaint was lodged in the year 2011 i.e., 24.01.2011 and 31.01.2011 and in the said complaints, there was no specific allegations against this petitioner, after 11 years, when the final report was filed she was implicated as A-5 as if she had knowledge about the wrongful intention of A-4.

15. Admittedly, as discussed above, she was joined as Executive Assistant to A-4 and she was assigned to maintain office procedure, coordinating the department in respect of management affairs which clearly reflects that she was not handed over with any of the software intellectual property/source code of the company. She has hardly served in the company for one year and thereafter she resigned and she joined in the newly started company and within two years, she joined in Optima Consulting and Solutions; later she married and settled at Bangalore.

16. Prima facie the facts reveals that at the time of lodging the complaint, she resigned from the company and no specific allegation was made against her. Nearly after 12 years, she was implicated in the case as if she conspired with A-4 and acted against the interest of the company. The work assigned to her reflects that as per the instructions given by A-4, did her work. When she was employed in the defacto complainant company, when there is no prima facie

material collected by the prosecution against her, the allegations against this petitioner is that she also indulged in the commission of offence against the interest of defacto complainant company. But the work assigned to her reveals that she has no nexus whatsoever with software or technical side of the company nor she was entrusted with any software source code of the company. However, the complaint given by the defacto complainant company subsequently mentioned about the fraudulent activities of the co-accused 1, 2, 3, 4 and 6. But no specific allegation against this petitioner at the time of lodging of the complaint. This itself shows that no prima facie material against the petitioner to prosecute for the commission of offence as alleged in the final report. But the court below failed to appreciate the entire facts, legal submissions and circumstances and erroneously dismissed the application for discharge of the petitioner from the case in C.C.No.191 of 2022. The authority relied on by petitioner also squarely apply to the facts of the case.

17. There are absolutely no grounds or materials to proceed against the petitioner and the charge against her is groundless. The Revision Petitioner is entitled to be discharged from all the offences and the case. The charges levelled against her is not supported with any evidence and hence she is liable to be discharged from the proceedings in C.C.No.191 of 2022. Accordingly, this Criminal Revision Case is allowed. The revision petitioner is ordered to be

discharged from the case in C.C.No.191 of 2022. It is made clear that the order of discharge is only pertaining to the Revision Petitioner who is arrayed as A-5 and therefore, without influenced by the order passed in this Criminal Revision case, the trial court shall proceed against other accused in the manner known to law.

18. Accordingly, the findings of the trial Judge in Crl.M.P.No.50295 of 2023 is set aside. The Revision is allowed. Revision Petitioner is entitled to be discharged from the entire proceedings pending before C.C.No.191 of 2022 pending before the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.

03-06-2026

nvsri
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

To

1. The Learned Additional Chief
Metropolitan Magistrate, Egmore,
Chennai - 600008
2. The Inspector of Police, Cyber Cell,
Central Crime Branch, Chennai Police,
Chennai - 600 007.
(X Crime NO.172 of 2011)
3. The Public Prosecutor Office, High Court, Madras.

Copy to
The 11th Metropolitan Magistrate, Saidapet, Chennai.

T.V.THAMILSELVI J.

nvsri

CRL RC No. 78 of 2024

03.06.2026