

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Sanjeeve Asokan (M 55), Dean Dayal (M 87),  
Ranjeet Kanwar (M 55), Subhash Kapoor (M 70),  
Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)

DEFENDANTS.

FELONY  
(ARREST WARRANT)ADA Matthew Bogdanos  
(212) 335-9323ADA Christopher Hirsch  
(212) 335-9175

Special Agent Brenton Easter, Shield #3014 of the Department of Homeland Security-Homeland Security Investigations ("DHS-HSI"), states as follows:

***Sanjeeve ASOKAN is charged with 21 counts as follows:***

1. PL 165.54 Criminal Possession of Stolen Property in the First Degree (9 counts)
2. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (10 counts)
3. PL 165.50 Criminal Possession of Stolen Property in the Third Degree (1 count)
4. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)

At the times and places described below in the County and State of New York, ASOKAN knowingly possessed stolen property with a value in excess of 1,000,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; ASOKAN knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; ASOKAN knowingly possessed stolen property with a value in excess of 3,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; ASOKAN, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

CR-022431-19NY  


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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)

DEFENDANTS.

FELONY  
(ARREST WARRANT)ADA Matthew Bogdanos  
(212) 335-9323ADA Christopher Hirsch  
(212) 335-9175***Dean DAYAL is charged with 5 counts as follows:***

1. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (4 counts)
2. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)

At the times and places described below in the County and State of New York, DAYAL knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; DAYAL, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

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ADA Christopher Hirsch  
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***Ranjeet KANWAR ("SHANTOO") is charged with 4 counts as follows:***

1. PL 165.54 Criminal Possession of Stolen Property in the First Degree (1 count)
2. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (2 counts)
3. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)

At the times and places described below in the County and State of New York, SHANTOO knowingly possessed stolen property with a value in excess of 1,000,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SHANTOO knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SHANTOO, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

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***Subhash KAPOOR is charged with 86 counts as follows:***

1. PL 155.42 Grand Larceny in the First Degree (1 count)
2. PL 165.54 Criminal Possession of Stolen Property in the First Degree (16 counts)
3. PL 155.40(1) Grand Larceny in the Second Degree (13 counts)
4. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (50 counts)
5. PL 155.35(1) Grand Larceny in the Third Degree (1 count)
6. PL 165.50 Criminal Possession of Stolen Property in the Third Degree (3 counts)
7. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)
8. PL 190.65(1)(b) Scheme to Defraud in the First Degree (1 count)

At the times and places described below in the County and State of New York, KAPOOR stole property valued in excess of 1,000,000 dollars; KAPOOR knowingly possessed stolen property with a value in excess of 1,000,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; KAPOOR stole property valued in excess of 50,000 dollars; KAPOOR knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; KAPOOR stole property, and the value of the property exceeded 3,000 dollars; KAPOOR knowingly possessed stolen property with a value in excess of 3,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; KAPOOR, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct; KAPOOR engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of 1,000 dollars from one and more persons.



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***Aditya PRAKASH is charged with 11 counts as follows:***

1. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (10 counts)
2. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)

At the times and places described below in the County and State of New York, Aditya PRAKASH knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; Aditya PRAKASH, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
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DEFENDANTS.

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(ARREST WARRANT)

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ADA Christopher Hirsch  
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***Vallabh PRAKASH is charged with 11 counts as follows:***

1. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (10 counts)
2. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)

At the times and places described below in the County and State of New York, Vallabh PRAKASH knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; Vallabh PRAKASH, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
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***Richard SALMON is charged with 47 counts as follows:***

1. PL 165.54 Criminal Possession of Stolen Property in the First Degree (6 counts)
2. PL 155.40(1) Grand Larceny in the Second Degree (7 counts)
3. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (30 counts)
4. PL 155.35(1) Grand Larceny in the Third Degree (1 count)
5. PL 165.50 Criminal Possession of Stolen Property in the Third Degree (1 count)
6. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)
7. PL 190.65(1)(b) Scheme to Defraud in the First Degree (1 count)

At the times and places described below in the County and State of New York, SALMON knowingly possessed stolen property with a value in excess of 1,000,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SALMON stole property valued in excess of 50,000 dollars; SALMON knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SALMON stole property, and the value of the property exceeded 3,000 dollars; SALMON knowingly possessed stolen property with a value in excess of 3,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SALMON, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct; SALMON engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of 1,000 dollars from one and more persons.

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

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(212) 335-9323

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*Neil Perry SMITH is charged with 28 counts as follows:*

1. PL 165.54 Criminal Possession of Stolen Property in the First Degree (7 counts)
2. PL 155.40(1) Grand Larceny in the Second Degree (5 counts)
3. PL 165.52 Criminal Possession of Stolen Property in the Second Degree (13 counts)
4. PL 165.50 Criminal Possession of Stolen Property in the Third Degree (1 count)
5. PL 105.10(1) Conspiracy in the Fourth Degree (1 count)
6. PL 190.65(1)(b) Scheme to Defraud in the First Degree (1 count)

At the times and places described below in the County and State of New York, SMITH knowingly possessed stolen property with a value in excess of 1,000,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SMITH stole property valued in excess of 50,000 dollars; SMITH knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SMITH knowingly possessed stolen property with a value in excess of 3,000 dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; SMITH, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct; SMITH engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of 1,000 dollars from one and more persons.

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*The factual basis for these charges are as follows:*

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Sree Purunthan Village Siva Temple Thefts

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38. UMA PARVATI M6117
39. MAYIL



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40. HANUMAN
41. BHARHUT PILLAR
42. STONE GANESH
43. TORSO OF A CELESTIAL FIGURE
44. TORSO OF A DEVATA
45. DANCING GANESHA
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70. SCHEME TO DEFRAUD

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1. Republic of India
2. Islamic Republic of Afghanistan
3. Kingdom of Cambodia
4. Islamic Republic of Pakistan

**A. BACKGROUND OF INVESTIGATION**

I have been with DHS-HSI and its predecessor agencies since 2004, and am currently assigned to a squad responsible for investigating, among other things, smuggling of contraband, money laundering, and the interstate sale and transportation of illegal property and narcotics. From approximately 2007 to 2017, I was assigned to a squad responsible for investigating, among other things, money laundering, smuggling of contraband, art fraud, and the interstate sale and transportation of stolen cultural property. As a Special Agent, I have led or joined teams of agents and officers in the execution of over one hundred search and arrest warrants seeking the arrest of individuals and recovery of property and evidence about illegal importations and exportations, as well as with the interstate and foreign transportation and sale of stolen goods.

I state the following, in part, based on personal knowledge from participation in this investigation, as well as from discussions with other agents and officers with DHS-HSI and/or other law-enforcement agencies, including foreign law-enforcement agencies; from discussions with witnesses; and from my review of records and reports. Unless otherwise noted, wherever in this complaint I assert that a statement was made, such a statement is among many and is stated in substance. Nor has any attempt been made to set forth the complete factual history of this investigation in making this complaint.

In the course of this investigation, search warrants and consent searches have resulted in the seizure of over 2,600 antiquities, as well as hand-written and photographic inventory binders documenting KAPOOR's acquisitions, sales ledgers, sales invoices, receipts, catalogues, letters, emails, and various additional forms of documentation. I also recovered a significant amount of digital evidence, including several Compact Discs ("CD") and three computers used by KAPOOR and his employees to conduct business at Art of the Past ("AOP"). Among the seized content is a series of digital and physical photographs that range from photographs taken at the site of looting with dirt still on the artifact to professional-quality photographs taken after the piece had been restored.

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I will specify the exact location of seizure for documents, objects, photographs, or any other item recovered from KAPOOR's office or storage locations only where said location is probative for the purposes of this complaint. Unless otherwise stated, I seized from KAPOOR each document or photograph discussed in this complaint from one of the following locations:

Art of the Past, located at 1242 Madison Avenue, and Sofia Storage, unit 736, located at 168 West 83<sup>rd</sup> Street, pursuant to a warrant authorized by the Honorable Ronald L. Ellis on December 23, 2011, and executed on January 5, 2012;

Sofia Storage, units 535, 733, 734, and 736, located at 168 West 83<sup>rd</sup> Street, pursuant to a warrant authorized by the Honorable Henry B. Pittman on January 5, 2012, and executed on January 5, 2012;

Sofia Storage, units 535, 733, 734, and 736, located at 168 West 83<sup>rd</sup> Street, pursuant to a warrant authorized by the Honorable Charles H. Solomon on July 18, 2012, and executed on July 26, 2012;

The Pierre Hotel, located at 2 East 61<sup>st</sup> Street, pursuant to a warrant authorized by the Honorable Charles H. Solomon on October 15, 2012, and executed on October 23, 2012;

Public Storage, unit 2049, located at 3204 Northern Blvd., Long Island City, New York, pursuant to a warrant authorized by the Honorable Charles H. Solomon on February 28, 2014, and executed on March 4, 2014;

Cirkers Storage, unit 1202, located at 444 W. 55<sup>th</sup> Street, authorized by Mamta Saggar, KAPOOR's daughter, on March 7, 2014, and executed on March 26, 2014; or

Extra Space Storage, unit 5090, located at 3602 Northern Blvd., Long Island City, New York, authorized by Mamta Saggar, KAPOOR's daughter, on March 7, 2014, and executed on April 3, 2014.

Birmingham Museum of Art, located at 2000 Reverend Abraham Woods, Jr. Boulevard, Birmingham, Alabama, 35203, pursuant to a warrant authorized by the Honorable Melissa C. Jackson on August 1, 2018, and executed on that date.

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

The December 23, 2011, search warrant was executed on January 5, 2012. During this execution, DHS-HSI agents created forensic images at AOP of three computers located at AOP and used by KAPOOR and employees to conduct business (the "AOP computers"). Imaging is a byte-for-byte copy of all sectors on a media (i.e. a digital device such as a computer or cellular phone) thereby representing the contents exactly as they appear on the original device. After the computers were imaged, the agents left the computers at AOP. During the course of this complaint, then, where I discuss the recovery of a document, file, or image from any of those computers, said item was recovered from a forensic image of an AOP computer (whether this fact is stated explicitly or not).

In all three forensic images of the AOP computers, as well as on the CDs recovered from KAPOOR's office or storage locations, I observed a series of digital folders that KAPOOR used to operate his business. Among other folders on this material, I observed folders titled "DEALERS," "Museums," "Clients," "SHIPPERS," and "Restorers." Each of these five folders contained subfolders named for participants with whom KAPOOR did business. For example, the "DEALERS" folder contained subfolders including, but not limited to, Lotus Gallery, Jazmin Asian Art, and Yadav—all of which are explained in detail below. Within the folders and subfolders themselves were photographs and documents concerning illegal antiquities that KAPOOR bought, sold, or was offered. Each set of photographs and documents was carefully organized by the name of the dealer, museum, client, shipper, or restorer with whom KAPOOR had contact on that specific piece.

In addition to digital files, DHS-HSI recovered numerous hardcopy documents pertaining to the purchase and sale of illegal antiquities from KAPOOR's office and storage locations. Those documents included, for example, inventory logs, sales ledgers, invoices, AOP issued advertisement catalogues, shipping records, and letters between KAPOOR or his employees and various suppliers and purchasers of illegal antiquities. Like the digital files, many of those documents were arranged in file folders labelled for the participants with whom KAPOOR did business. In addition, DHS-HSI recovered two binders containing a hand-written inventory log, i.e., a list of antiquies and other art objects acquired by AOP. Further, DHS-HSI recovered a sales ledger that lists some objects sold by AOP, the date of sale, purchase price, and purchaser.

DHS-HSI also recovered numerous hardcopy photographs pertaining to the purchase and sale of illegal antiquities from KAPOOR's business or storage locations. For example, DHS-

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HSI recovered several binders containing photographs that were labelled with an inventory number assigned by AOP to the antiquity depicted in the photograph. Also seized were numerous photographs of antiquities taken when they arrived at AOP.

In the seized material, antiquities often appear scattered on the ground or wrapped in newspapers on the floors of makeshift storage areas. Many of the pieces depicted display breaks, have dirt or encrustations on their surface, or appear to be wet. This is relevant for several reasons.

First, within both the law-enforcement and archaeological communities, it is well-known that photographs and videos of dirty or damaged antiquities in such locations are clear indicators of recent looting. This is because looters, who are forced to work quickly and are not trained in proper excavation techniques, often break the antiquities while searching for and recovering them, *see, e.g.*, **Standing Bronze Devi M5372**, and **Standing Bronze Devi M5373** below.

Second, it is similarly well-known that thieves use photographs of an antiquity in its dirty or damaged state to signal its authenticity to potential buyers in the future. In short: if it is looted, it is real. Thus, looters will often photograph an antiquity before it is cleaned and with the dirt still visible, *see, e.g.*, the **Standing Jina** below.

Third, it is again well-known within both the law-enforcement and archaeological communities that local thieves often create and email such images to potential buyers—usually based abroad—to assess interest prior to incurring the risks attendant to smuggling the antiquities out of the country of origin and across international borders. Often, looters and smugglers douse illegal antiquities with water for these photographs to remove loose dirt from the surface and to more prominently display the fine details of an antiquity for potential buyers, *see, e.g.*, the **Stone Ganesha** below.

Fourth, even when an antiquity is not broken during the looting itself, looters and smugglers often intentionally break large pieces into smaller pieces to ease transport and avoid detection by customs officials, *see, e.g.*, the **Bharhut Pillar** and **Worshippers Relief**. Commonly referred to as “orphans,” intentionally broken fragments tend to be broken in places that are easily fixed (such as at the neck of a statue) and preserve the integrity of sections (such as at the borders of a multi-panel relief). In this way, the

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broken sections can be easily sold as independent pieces or easily reunited after transport.

Finally, looters often break statues at their feet or ankles when the statue is affixed to the ground and cannot otherwise be moved, *see, e.g.*, the **Dancing Krishna, Standing Bronze Devi M5372**, and **Standing Bronze Devi M5373** below.

Among the many documents DHS-HSI recovered from KAPOOR's office and storage locations, were false and forged documents used by KAPOOR to sell stolen and laundered antiquities to dealers, collectors, and museums around the world. Within both the law-enforcement and archaeological communities, it is well-known that misrepresenting the true provenance of a stolen antiquity is essential to be able to sell it on the open market. Commonly referred to as "laundering," the creation of a false history of an antiquity—generally through forged invoices and letters—attempts to cleanse an antiquity of its illegal past. KAPOOR would also loan stolen antiquities to major museums and institutions, creating yet another false veneer of legitimacy by its mere presence in otherwise reputable museums and institutions.

## B. CONSPIRACY.

From at least August 1986 until on or about October 26, 2016, with intent that conduct constituting the felonies of Grand Larceny in the First and Second Degrees and Criminal Possession of Stolen Property in the First and Second Degrees be performed, KAPOOR and his co-conspirators utilized KAPOOR's business, Art of the Past ("AOP"), located at 1242 Madison Avenue #2, New York, New York, to buy, smuggle, launder, and sell tens of millions of dollars' worth of antiquities that had been stolen from Afghanistan, Cambodia, India, Pakistan, and other nations.

As listed in detail throughout this complaint, KAPOOR's co-conspirators include, but are not limited to, his employees at AOP and various family members and acquaintances, as well as restorers and various suppliers of illegal antiquities. One of the co-conspirators is herein listed as Informant #1. Known to DHS-HSI and the New York County District Attorney's Office ("DANY"), Informant #1 has been convicted of charges arising out of this conspiracy and has first-hand information of KAPOOR's operation for more than two decades. Eight participants in this conspiracy, Sanjeeve ASOKAN, Dean DAYAL, Ranjeet KANWAR,

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Subhash KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, Richard SALMON, and Neil Perry SMITH, are charged in this complaint.

The conspiracy began on August 29, 1986, with the incorporation of AOP and continued until at least AOP's dissolution on October 26, 2016.<sup>1</sup> Indeed, long after KAPOOR's arrest in November 2011 in Germany, KAPOOR was still engaged in the conspiracy, instructing AOP employees to turnover his inventory to the care of family members who then moved some of the high value antiquities to an unknown location and stored others in multiple facilities to await KAPOOR's return. These and other pieces remain missing to this day.

During the course of this conspiracy, KAPOOR trafficked in thousands of stolen antiquities whose total value exceeded \$143,517,000. Of those, DHS-HSI and DANY have seized 2,622 stolen antiquities from AOP or KAPOOR's storage locations. According to Informant #1, these 2,622 antiquities are valued at no less than \$107,682,000. This complaint lists 72 stolen antiquities possessed by KAPOOR from 1986 to 2016 and valued at more than \$79,101,000. Of those 72, only 33 have been seized. According to Informant #1, the 39 antiquities that have not been located and seized are valued at no less than \$35,835,000. Thus, the total value of stolen antiquities known to have been trafficked by KAPOOR exceeds \$145,717,000.

KAPOOR and his co-conspirators also conspired to commit larceny by fraud in selling and attempting to sell illegal antiquities to various customers under the false pretense that AOP had the legal title necessary to sell those antiquities. In reality, KAPOOR and his co-conspirators forged paperwork and manufactured false provenances to support that fiction. This complaint lists 15 of the many antiquities KAPOOR sold utilizing this scheme—all 15 of which are also included in the 72 stolen antiquities listed in this complaint.

## 1. OBJECTIVES AND METHODS OF THE CONSPIRACY.

The overarching objective of the conspiracy was to acquire antiquities stolen from Afghnaistan, Cambodia, India, Nepal, Pakistan, and Thailand; market them as legal; and then sell those antiquities for a profit. As listed in detail in the Overt Acts section below, KAPOOR

<sup>1</sup> KAPOOR previously conducted business as Temple Art Inc., incorporated July 7, 1976. On August 29, 1986, KAPOOR changed the name of his business to Art of the Past. Temple Art Inc. was officially dissolved on December 24, 1991.

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operated in and through seven well-organized international networks.<sup>2</sup> This antiquities-trafficking ring generally utilized the following steps of operations: 1) KAPOOR would select those antiquities he wanted and purchase them; 2) KAPOOR would arrange for the antiquities to be illegally exported from their countries of origin; 3) KAPOOR would arrange for the antiquities to be imported into the United States or the United Kingdom; 4) KAPOOR would arrange for the antiquities to be restored; 5) KAPOOR would arrange for the antiquities to be laundered through the creation of false and forged documentation; 6) KAPOOR would arrange for the antiquities to be marketed for sale; and finally, 7) KAPOOR would use AOP to sell the stolen and freshly laundered antiquities to dealers, collectors, and museums around the world.

First, through personal “buying trips”<sup>3</sup> and emails—and on at least one occasion in a letter—KAPOOR would select antiquities for sale and purchase them from Afghanistan, Cambodia, India, Nepal, Pakistan, and Thailand. According to Informant #1, KAPOOR often travelled to various countries and personally observed antiquities that had just been looted from the ground or stolen from temples, homes, or archaeological sites. These trips are corroborated by travel records seized from KAPOOR’s files and computers. In addition to this in-person selection process, KAPOOR would also receive photographs of, and documents pertaining to, illegal antiquities offered for sale by KAPOOR’s numerous co-conspirators in various countries. If the material was received digitally, KAPOOR (or others at AOP at his direction) would save the images and documents to one of the AOP computers—generally in one of the “DEALERS” folders discussed above. According to Informant #1, the digital files were named for the date on which they received—or in the case of paper files, the date they were scanned. The format was generally YYMMDD, meaning a folder on KAPOOR’s computers titled “050131” would, for example, have been created on January 31, 2005.

Second, KAPOOR would make use of contacts (both governmental and non-governmental) to illegally smuggle the stolen antiquities out of their countries of origin. KAPOOR and his co-conspirators, some of whom remain unidentified, would arrange for the transport of these

<sup>2</sup> Seven networks are discussed herein: the “Butt Network,” “Asokan Network,” “Yadav Network,” “Shantoo Network,” “Prakash Network,” “Dayal Network,” and “Cambodian Network.” As discussed in detail below, the Asokan Network overlaps with the Dayal Network and the Prakash Network, and the Prakash Network overlaps with the Shantoo Network.

<sup>3</sup> According to Informant #1, KAPOOR travelled on numerous occasions for the explicit purpose of viewing and buying antiquities in person. Two specific “buying trips” are discussed in detail below.



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antiquities by falsifying shipping and customs documents. On at least two occasions, KAPOOR was recored admitting that he falsified transport or ownership paperwork to avoid detection from law-enforcement authorities (*see, e.g., the Monumental Buddha Head and Naga Buddha below*). Once these antiquities were smuggled out of their country of origin, KAPOOR frequently used his import-export company, Nimbus Import Export, Inc., to transport the pieces—often passing them through Hong Kong or Dubai before shipping them to New York to be sold (*see, e.g., the Monumental Buddha Head below*).

Third, KAPOOR would arrange for the antiquities to be imported into the United States or the United Kingdom —often using Nimbus Import Export, Inc.—and ultimately receiving them at AOP. According to Informant #1, once the antiquities arrived at AOP, KAPOOR (or others at AOP at his direction) would photograph each item, assign it a sequential inventory number, and then enter that inventory number into a hand-written inventory log. It was this inventory log that was ultimately seized during the execution of one of the search warrants.

Fourth, KAPOOR would arrange for the antiquities to be restored; thereby cleansing them of any physical attributes or defects (such as dirt, rust, or damage) indicative of recent looting or theft. KAPOOR typically utilized the services of two co-conspirators: London-based Neil Perry SMITH or Brooklyn-based Richard SALMON.<sup>4</sup> According to Informant #1, these two co-conspirators would clean the pieces and repair any damage from illegal excavations and thefts (*see, e.g., the August 2008 Group and Bharhut Pillar below*). According to invoices and inventory logs seized from KAPOOR's office and storage locations, KAPOOR would usually arrange for the antiquities to be sent to one of the co-conspirator restorers after thier arrival at AOP, but would also occasionally send the antiquities to one of the co-conspirator restorers before their arrival at AOP. After restoration, KAPOOR would then store the antiquities at AOP or at one of his numerous storage units until that antiquity was sold or consigned.

Fifth, KAPOOR would arrange for the antiquities to be laundered through the creation of carefully coordinated false and forged documentation. According to Informant #1, KAPOOR would use an old typewriter to type fraudulent invoices on blank letterhead from

<sup>4</sup> As of 2013, Co-Conspirator SALMON owned a residence in Cahors, France, where he is believed to currently reside.

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galleries around the world. KAPOOR would always date these invoices prior to the effective date of the country of origin's laws prohibiting the export of antiquities. On occasion, KAPOOR would also use the invoice to disguise the object's true country of origin. In fact, I recovered an old typewriter and such blank letterhead from KAPOOR's storage locations. KAPOOR would also arrange for the creation of false letters of provenance consistent with the dates and names used in the false invoices. With such false documentation in place, KAPOOR would enter the antiquity into the open art market without apprehension.

Sixth, KAPOOR would advertise the newly cleansed and laundered antiquities for sale to potential buyers around the world. DHS-HSI recovered "information sheets" from the AOP computers that had been created by KAPOOR (or others at his direction). According to Informant #1, these information sheets were used to describe antiquities acquired and offered for sale by AOP, listing each antiquity's title, inventory number, period of creation, region of origin, dimensions, price, and iconography. Using the information contained in these sheets, KAPOOR (or others at his direction) would advertise pieces in his AOP catalogue, via email or letters, or in person. KAPOOR would meet with potential buyers at AOP or at one of KAPOOR's storage units to offer illegal antiquities for sale (*see, e.g., Shiva Nataraja M5835* below). During these meetings, KAPOOR would falsely answer questions regarding a piece's origin. On at least one occasion, however, KAPOOR admitted that he had lied about an antiquity's country of origin to avoid detection from authorities (*see, e.g., the Naga Buddha* below).

Seventh and finally, KAPOOR would use AOP to sell these stolen antiquities to dealers, collectors, and museums around the world. Among the museums are, for example, the Asian Civilizations Museum, the National Gallery of Australia, the Toledo Museum of Art, and the Metropolitan Museum of Art. Once the sale was made, KAPOOR (or others at his direction) would list it in the AOP sales ledger; create a receipt (often maintaining a carbon copy of that receipt); and ship the antiquity to the purchaser.

## 2. OVERT ACTS.

### i. Business Incorporation and Storage of Antiquities

Art of the Past, Inc. was incorporated on August 29, 1986, and dissolved on October 26, 2016.

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Nimbus Import Export Inc. was incorporated on August 17, 2005, and dissolved on June 29, 2016.

According to documents obtained from Sofia Storage, KAPOOR and AOP conducted the following transactions with Sofia Storage:

On June 15, 1988, AOP began leasing room (unit) 608 of Sofia Storage for a period of three (3) months, thereafter month-to-month.

On June 15, 1988, KAPOOR began leasing unit 733 of Sofia Storage.

On October 15, 1994, KAPOOR began leasing units 523 and 779 of Sofia Storage.

KAPOOR subsequently began leasing units 734 and 535 of Sofia Storage. AOP stopped leasing units 608, 523, and 779.

On August 22, 2006, AOP began leasing unit 736 at Sofia Storage; KAPOOR's leased space at Sofia Storage as of that date included units 733, 734, 535, and 736.

From February 1, 2009, until April 9, 2009, AOP leased unit 700CD of Sofia Storage.

On or about February 8, 2011, KAPOOR transferred unit 735 of Sofia Storage from AOP to Zeeshan Zahid (aka Zeeshan and Zahid BUTT, discussed below). On February 16, 2011, Zahid BUTT stopped leasing unit 735.

After KAPOOR's arrest, Co-Conspirator SAREEN, KAPOOR's sister, maintained a unit at Public Storage, unit 2049, to store antiquities from AOP.

After KAPOOR's arrest, Co-Conspirator SAGGAR maintained a unit at Cirkers Storage, unit 1202, and Extra Space Storage, unit 5090, to store antiquities from AOP.

**ii. The Butt Network (Afghanistan and Pakistan)**

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According to seized emails, documents, bank records, computer files and Informants #1 and #2, from approximately 1991 until KAPOOR's arrest in 2011, father and son Zahid Parvez BUTT and Zeeshan BUTT (collectively "the BUTTS") utilized their family businesses including, but not limited to: Kashmir Art Gallery in Islamabad, Pakistan; Lotus Gallery Co. LTD in Bangkok, Thailand; Rawiee Al Lotus Hong Kong Ltd in Hong Kong; and Rawiee Al Lotus Carpets & Novelty in Dubai to supply the international art market with stolen antiquities from countries including, but not limited to, Afghanistan, Pakistan and India. The BUTTS established a strategic network of contacts in the USA, Europe, China, Japan, Russia, the United Arab Emirates, Australia, Pakistan, Afghanistan, Bangladesh, and India. To this day, the BUTTS supply dealers, auction houses, private clients, and museums worldwide with illegal cultural property.

As discussed in the Patrimony Laws section below, I am informed by Terressa ("Tess") Davis, the Executive Director of the Antiquities Coalition, an affiliate of the Scottish Centre for Crime and Justice Research at the University of Glasgow, an Adjunct Lecturer at Johns Hopkins University, and a member of the New York State Bar, J.D. University of Georgia School of Law, B.A. in Archaeology, Boston University, that she has conducted extensive field research on the illegal trade in Asian antiquities, as well as legal research on the region's cultural property laws. I am further informed that Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Pakistan, including the 1975 Antiquities Act (as amended in 1992), and its predecessors the Antiquities Act of 1968 and Ancient Monuments Preservation Act of 1904. According to Ms. Davis, this legal regime provides extensive legal protections to Pakistan's archaeological sites and objects, and vests ownership of undiscovered antiquities in the state as of 1975.

I am also informed by Ms. Davis that Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Afghanistan, including the 1980 Law on the Protection of Historical and Cultural Office or storage locations as modified in 2004 (also known in English as the Law on the Preservation of the Historical and Cultural Heritage), and its predecessor the 1958 Code for the Protection of Antiquities. According to Ms. Davis, this legal regime provides extensive legal protections to cultural heritage and moreover vests ownership of antiquities in the state.

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As discussed below, between 1996 and 2008, KAPOOR purchased the following illegal antiquities from the BUTTS: two stucco Gandharan Buddha heads (Exhibit 1), a monumental marble Buddha head (Exhibit 2), a schist Herakles-Vajrapani holding a sword (Exhibit 3), six large Kashi Gari glazed Qur'anic tiles (Exhibits 4 – 9), a monumental schist Herakles-Vajrapani (Exhibit 10), a schist Buddha seated on a lotus (Exhibit 11), a stucco seated Atlas (Exhibit 12), a schist statue of the Bodhisattva Padmapani (Exhibit 13), a schist statue of a Garuda holding a woman (Exhibit 14), a schist relief of a preaching Buddha (Exhibit 15), a schist Bodhisattva torso (Exhibit 16), a large schist standing Buddha (Exhibit 17) a large schist standing Bodhisattva (Exhibit 18), and a schist Bodhisattva bust (Exhibit 19). According to Informant #1, each of these items originated from either Afghanistan or Pakistan.

Professor Yaldiz

*Two stucco Gandharan Buddha Heads* (Exhibit 1)

I am informed by Informant #1 that, starting in about 1993, KAPOOR conducted business with Professor Marianne YALDIZ, an expert on Indian and Gandharan art and the former Director of the Museum of Indian Art in Berlin, Germany. YALDIZ was known to travel to that region in search of new acquisitions for the Museum. As discussed below, in 1995, YALDIZ travelled to Afghanistan—then in a state of civil war—, negotiated excavation rights with a local warlord and, shortly thereafter, acquired the following from AOP: two Gandharan stucco Buddha heads (the “**Stucco Buddha Heads**”), measuring approximately 9 ¾ inches by 5 ½ inches and 9 ½ inches by 5 ½ inches, respectively. *See* Exhibit 1.<sup>5</sup>

While executing the January 5, 2012, search warrant at AOP, I recovered letters and photographs pertaining to the **Stucco Buddha Heads**. Each is described below:

In a letter to KAPOOR dated July 12, 1995, YALDIZ described a recent interaction between YALDIZ and “Commander Zaman,” a regional Mujahedeen commander in Afghanistan. *See* Exhibit 1A. In that letter, YALDIZ stated that YALDIZ visited a Buddhist site where Zaman’s forces were excavating and spoke with Zaman. YALDIZ stated that Zaman offered to stop digging at the site “if *we* can make the offer to [Zaman] to give the money for *our* own

<sup>5</sup> The two heads are marked with inventory numbers “2877” and “2878” on the photograph. As discussed below, “2877” and “2878” are inventory numbers that AOP assigned to the subject heads.

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excavations and pay [Zaman] some money for his efforts. Then *we* must bring the objects out of the country” (emphasis added).<sup>6</sup>

Afghanistan was in a state of civil war in 1995, and there was no functioning central government. Warlords, such as Zaman, controlled large swaths of territory. It appears from YALDIZ’s letter that, in exchange for a bribe, Zaman agreed to permit YALDIZ and her associates, presumably including KAPOOR, to excavate the site and transport their findings out of the country.

In a letter dated November 27, 1996, Sara A. Weldon, then KAPOOR’s Gallery Assistant, offered several objects for YALDIZ’s consideration and enclosed photographs of each object. *See* Exhibit 1B.<sup>7</sup> That letter listed two Gandharan Buddha Heads: “M2877” and “M2878.” As discussed below, these are the inventory numbers assigned to the subject **Stucco Buddha Heads**.

Informant #1 states that based on Informant #1’s involvement in this transaction, Informant #1 believes YALDIZ selected the **Stucco Buddha Heads** for purchase during the visit written about in her July 12, 1995, letter.

In a letter from YALDIZ to KAPOOR dated December 10, 1996, YALDIZ, who was in Berlin at the time, discussed arrangements to bring culturally significant objects out of Afghanistan. *See* Exhibit 1C. YALDIZ stated that YALDIZ “decided not to take the risk in paying in advance.” YALDIZ, chastising KAPOOR, also stated that “there is an essential difference between us; we try to save the pre-islamic culture of Afghanistan and we plan to give everything back to the country [...] while you and the people in Pakistan make money out of this political situation.” YALDIZ went on to state, “[a]s soon as I have the two stucco heads in my hand, I am ready to send them the money at once. Being a serious person I am not used to this kind of somehow strange business and I am not at all going to support it. If they do not want to take the risk, they cannot sell it to us.” According to Informant #1, KAPOOR’s “people in Pakistan” were most likely KAPOOR’s co-conspirators in that region: the BUTTS.

<sup>6</sup> All text included in quotations appears exactly as it does in the original documents.

<sup>7</sup> I observed this letter as a Microsoft Word document on an AOP computer. The discussed photographs were not recovered with the Microsoft Word document.

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Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to the inventory log, AOP received the **Stucco Buddha Heads** on or about December 17, 1996, and assigned them inventory numbers M2877 and M2878.<sup>8</sup> That inventory lists M2877 as a "Buddha Head w/ urna and cracked mouth" and M2878 as a "Buddha Head stucco curled lips." *See* Exhibit 1D. "12/17/96" is written next to each entry, suggesting that AOP received the **Stucco Buddha Heads** on or about that date. The inventory log lists their sale prices as \$8,500 and \$12,000, respectively.

I recovered several binders containing a photographic inventory from AOP. One such binder contained a photograph depicting the **Stucco Buddha Heads** placed among other objects. *See* Exhibit 1. On that photograph, the subject heads are labeled in marker as inventory numbers "2877" and "2878." The reverse side of the photograph is stamped with the date "Dec. 1996." According to Informant #1, this photograph was taken at AOP upon receipt of the shipment containing the **Stucco Buddha Heads**.

On January 27, 1997, Weldon responded to YALDIZ in a letter that reads, "we received a shipment from Pakistan which included your stucco Ghandara head still in the original condition you saw." *See* Exhibit 1E. Weldon then went on to tell YALDIZ that the "dealers" were holding shipment of all of AOP's other purchased pieces until YALDIZ paid in full for that head. Weldon also stated that KAPOOR already sent part of the payment in advance and wanted to know when YALDIZ would pay the remainder.

In an urgent fax dated January 28, 1997, Weldon requested YALDIZ send payment for the **Stucco Buddha Heads** to the account of Ann Lutyens-Humfrey at the Republic National Bank of New York. *See* Exhibit 1F. According to Informant #1, Lutyens-Humfrey was KAPOOR's girlfriend in January 1997.

According to Informant #1, KAPOOR sold and shipped both **Stucco Buddha Heads** to YALDIZ.

July 2005 "buying trip"

<sup>8</sup> The inventory list has four columns for each listing: the sequential inventory number; the piece's information including its title, region of origin, date, and medium; its dimensions; and its approximate date of acquisition. Dates of acquisition are often listed once for multiple subsequent entries. Some additional information such as date of sale and purchase price appears in the inventory for certain listings.

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According to Informant #1, KAPOOR travelled to Pakistan during the summer of 2005 to purchase illegal antiquities from the BUTTS. While in Pakistan, in or about July 2005, KAPOOR purchased the following antiquities from the BUTTS:

1. a monumental marble Buddha head (the "**Monumental Buddha Head**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 15 inches in height, and valued by KAPOOR at approximately \$4,500,000 (Exhibit 2); and
2. a schist Herakles-Vajrapani holding a sword (the "**Herakles with Sword**"), dated to the 1<sup>st</sup> – 3<sup>rd</sup> century, measuring approximately 42 inches by 15 inches by 7.2 inches, and valued by KAPOOR at \$1,750,000 (Exhibit 3).

Informant #1 further states that KAPOOR showed Informant #1 photographs that KAPOOR took during the trip that include the **Monumental Buddha Head** and **Herakles with Sword**.

I observed digital images of both the **Monumental Buddha Head** and the **Herakles with Sword** taken from a forensic image of an AOP computer. See Exhibit 2 and Exhibit 3. Those digital images were located in a folder accessed by the digital folder path "travel/India/0507IndoPak." According to Informant #1, the "0507IndoPak" folder contains photographs taken during KAPOOR's travels to India and Pakistan in July 2005. I am informed by Informant #1 that by virtue of KAPOOR's standard system of organization, "0507" refers to July 2005. According to the photographs' metadata, both photographs were taken with an Olympus Camera and were modified on July 15, 2005, at 9:39 pm. I know that the shared timestamp most likely means that both photographs were uploaded to an AOP computer at that time. Thus, the photographs were taken on or before July 15, 2005.

*Monumental Buddha Head (Exhibit 2)*

In the photograph of the **Monumental Buddha Head** recovered from the "0507IndoPak" subfolder, the **Monumental Buddha Head** appears to be sitting on the bare ground with dirt and vegetation visible and in front of a brick-wall. The **Monumental Buddha Head** is propped up with a stone or brick. The ragged edge along the bottom of the neck suggests that it was broken from a larger statue or stand. See Exhibit 2.



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According to banking records obtained during the execution of a search warrant at Sofia Storage on July 26, 2012, between July 18, 2005, and July 25, 2005, AOP sent three wire transfers from its HSBC account to accounts in the names of "Haji Rahmat Trading Co.," "Khalid A Khan," and "Zeeshan Zahid," totaling \$500,000. *See* Exhibit 2A. "For Zahid" is written on the bottom of the transfer to Khalid A. Khan. "Zahid" is written and crossed off the bottom of the transfer to Haji Rahmat Trading Co. According to Informant #1, KAPOOR paid approximately \$500,000 for pieces—including the **Monumental Buddha Head** and **Herakles with Sword**—acquired during his summer 2005 trip. The wire transfers in Exhibit 2A corroborate this statement.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received "1 Large Head of Buddha in Marble Stone, 17<sup>th</sup> Century, India," on or about November 18, 2005, via Alitalia Airline. *See* Exhibit 2B. Rawaiee Al Lotus Carpets & Nov.—which is Zeeshan BUTT's Dubai business location—issued the invoice that accompanied the shipping documents. The shipment originated in Dubai. *Id.*

According to an invoice from Co-Conspirator SALMON—the Brooklyn-based restorer to whom KAPOOR sent illegal pieces—to KAPOOR dated December 8, 2005, Co-Conspirator SALMON provided a "light clean" to a "monumental marble Buddha head." *See* Exhibit 2C, no. 1. According to Informant #1, the "monumental marble Buddha head" listed on this invoice is the subject **Monumental Buddha Head**. According to Informant #1, KAPOOR regularly sent large pieces—including the **Monumental Buddha Head**—to restorers, including Co-Conspirator SALMON, before entering them into the AOP inventory log.

According to the inventory log, AOP assigned the **Monumental Buddha Head** inventory number M5453 on or about March 2, 2006. *See* Exhibit 2D. That inventory lists the **Monumental Buddha Head** as a "Buddha Head" dated to "Gandhara 2<sup>nd</sup> Cent," and measuring 42 inches, and "3/2/2006" is written to the right of the entry. *See* Exhibit 2D.

I recovered a post-restoration, professional-quality photograph of the **Monumental Buddha Head** from the forensic image of an AOP computer. *See* Exhibit 2E. That photograph appears in a folder titled "060321," referring to March 21, 2006. According to the

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photograph's metadata, it was modified on March 23, 2006. Thus, the photograph was likely uploaded to an AOP computer on or before March 23, 2006.

I observed another post-restoration digital image of the **Monumental Buddha Head** in a folder accessed by the digital folder path "travel/India/0604IndoPak." In that image, the **Monumental Buddha Head** appears to be at AOP. Jennifer Moore, who I know to be KAPOOR's former Gallery Assistant, also appears in that image. *See Exhibit 2F.* The image is titled "060502 001." Thus, the photograph was likely uploaded to an AOP computer on or before May 2, 2006.

According to Informant #1, KAPOOR instructed Informant #1 to write a description of the **Monumental Buddha Head** for an information sheet on May 9, 2006. *See Exhibit 2G.* The information sheet describes the **Monumental Buddha Head** as follows:

An Extremely Important Colossal Head of Buddha, M5453  
Central Asia, Ancient Region of Gandhara  
Kushan Period, 2<sup>nd</sup> – 3<sup>rd</sup> century  
Marble  
Dimensions: 42 x 25.5 x 25 inches  
(106.7 c 64.7 x 63.5 cm)  
Price: \$4,500,000.00 *See Exhibit 2G.*

Informant #1's description further reads:

*This colossal marble head of a Buddha is the largest, most important, and most astonishing Kushan Period sculpture from the ancient region of Gandhara. It so far surpasses anything else known from this area that it is not only the most essential sculpture from this period, but also entirely unique. Id.*

In October 2011, Informant #2—a previously convicted private collector working under a cooperation agreement whose identity is known to DHS-HSI and DANY—, went with KAPOOR to one of KAPOOR's storage units at Sofia Storage and there observed the **Monumental Buddha Head**. During this visit, Informant #2 was informed by KAPOOR that he had no provenance for the **Monumental Buddha Head**, and KAPOOR stated that he had obtained it from the Pakistani/Afghani border region approximately six years earlier.

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KAPOOR offered to help Informant #2 create a false provenance for the piece and said he had already taken some pictures to publish the piece, thereby creating an air of legitimacy. According to Informants #1 and 2, publishing a photograph of a stolen antiquity is a common laundering practice, because published pieces are usually presumed to have been extensively researched and therefore legitimate.

On January 5, 2012, I seized the **Monumental Buddha Head** from Sofia Storage, unit 736. See Exhibit 2H.<sup>9</sup>

*Herakles with Sword* (Exhibit 3)

I observed pre-restoration photographs of the **Herakles with Sword** in the "0507IndoPak" folder. In one of those photographs, an unknown individual appears to hold the **Herakles with Sword's** left arm and sword in place. See Exhibit 3. This photograph also shows a noticeable crack running diagonally across the statue's left knee. In another photograph, the **Herakles with Sword** is shown from above and is missing its left arm. See Exhibit 3A.

Shipping records recovered from KAPOOR's business or storage locations show that AOP received "1 Standing Hercules Stone Broken in Parts" on or about July 12, 2005, via Alitalia Airline. While an invoice dated July 5, 2005, that accompanied the shipping documents was issued by Culture Art Gallery LLC in Dubai, the fax header on the invoice reads: "From: Lotus Inc." See Exhibit 3B. As discussed earlier, the BUTTS operate various businesses with "Lotus" in the title, one of which is in Dubai.

According to the inventory log, AOP received the **Herakles with Sword** and assigned it inventory number M5285 on or about July 13, 2005. That inventory lists the **Herakles with Sword** as a "Herakles as Vajrapani" dated to "Gandhara, (1-3<sup>rd</sup> C.)," and "7/13/2005" is written to the right of the entry. See Exhibit 3C.

I recovered a post-restoration photograph of the **Herakles with Sword** from the forensic image of an AOP computer. In that image, the **Herakles with Sword** is clean, its arm has been re-attached, and the crack running diagonally across its left knee is no longer visible. See Exhibit 3D. According to the photograph's metadata it was modified on July 22, 2005. That

<sup>9</sup> Exhibits cited with the seizure of an antiquity were taken at the time and location of that antiquity's seizure.

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image appears in a folder titled "050729," suggesting it was uploaded by KAPOOR on July 29, 2005.

According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 7, 2005, SALMON restored the **Herakles with Sword**, described as a "[s]tanding figure with sword." Co-Conspirator SALMON charged KAPOOR \$3,300 "to drill , pin and re-attach pieces together . To disguise the joins lightly clean and bring out the quality of the stone." See Exhibit 3E, no. 1.

The **Herakles with Sword's** information sheet describes it as follows:

Herakles-Vajrapani, M5825  
Ancient India, Region of Gandhara  
Kushan Period, 1<sup>st</sup> – 2<sup>nd</sup> century  
Grey schist  
Dimensions: 42 x 15 x 7.2 inches (106.7 x 38.1 x 17.8 cm)  
Price: \$1,750,000.00 See Exhibit 3F.

The description reads: "*This superb, large-scale sculpture of Herakles-Vajrapani is the most significant example of this subject known from Gandhara during the Kushan Period*" (emphasis in original). See Exhibit 3F.

On July 26, 2012, I seized the **Herakles with Sword** from Sofia Storage, unit 736. See Exhibit 3G.

April 2006 "buying trip"

According to Informant #1, KAPOOR travelled to Pakistan during April 2006 and purchased illegal antiquities from the BUTTS. During these travels, KAPOOR purchased the following antiquities from the BUTTS:

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1. six calligraphic Qur'anic wall tiles (the "**Qur'anic Wall Tiles**"), dated to the 18th – 19<sup>th</sup> century (Exhibits 4, 5, 6, 7, 8, and 9);<sup>10</sup>
2. a monumental statue of Herakles as Vajrapani (the "**Monumental Herakles**"), dated to the 2<sup>nd</sup> century, measuring approximately 60 inches in height, and valued by KAPOOR at approximately \$950,000 (Exhibit 10);
3. a statue of Buddha seated on a lotus (the "**Seated Buddha**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 47 inches by 27 inches, and valued by KAPOOR at approximately \$650,000 (Exhibit 11); and
4. a stucco statue of Atlas (the "**Stucco Atlas**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 25 ½ inches in height, and valued by KAPOOR at approximately \$175,000 (Exhibit 12) (collectively the "**April 2006 Group**").

I observed digital images of the April 2006 Group on a forensic image of an AOP computer via the digital folder path "Travel/India/0604IndoPak." See Exhibits 4, 5, 6, 7, 8, 9, 10, 11, and 12. According to Informant #1, this folder contains photographs taken during KAPOOR's travels to India and Pakistan in April 2006. According to their metadata, the photographs were all taken with a Casio Ex-S500 camera and were modified on May 2, 2006, between 5:16 and 5:21 pm. Thus, the photographs were likely taken by the same person, during the same approximate time period, and must have been taken on or before May 2, 2006, thus corroborating Informant #1's information.

On or about May 30, 2007, the BUTTS faxed AOP a summary of KAPOOR's account balances to-date. That balance sheet, titled "Subash account revised jan-07," lists each of the antiquities in the April 2006 Group under the heading "BUSINESS IN PAK." See Exhibit 4A. The **Qur'anic Wall Tiles** are listed as "5 TILES FIYYAZ" for a purchase price of \$20,000.<sup>11</sup> The **Monumental Herakles** is listed as "ONE LARGE STANDING VAJRA PANI STONE+," and the **Seated Buddha** is listed as "LARGE SEATED BUDDHA+." The **Monumental Herakles** and **Seated Buddha** were purchased as part of the same lot for \$200,000. The **Stucco Atlas** is listed as "ONE STUCCO ATLUS+" and was purchased as part of another lot for \$100,000. According to its header, Rawaiee Al Lotus sent the fax.

<sup>10</sup> Values of the **Qur'anic Wall Tiles** are listed below.

<sup>11</sup> Exhibit 4A lists only 5 tiles. As will be demonstrated below, KAPOOR actually purchased 6 tiles.

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*Qur'anic Wall Tiles* (Exhibits 4, 5, 6, 7, 8, and 9)

Shipping records recovered from KAPOOR's business or storage locations show that AOP received six ceramic panels "with writing" on or about June 26, 2006, via Alitalia Airline. Rawaiee Al Lotus Carpets & Nov. issued the invoice that accompanied the shipping documents. The shipment originated in Dubai. *See* Exhibit 4B.

According to the inventory log, AOP received the **Qur'anic Wall Tiles**, photographed them, and assigned them inventory numbers M5633–5638 on or about June 29, 2006. I observed digital images of each of the **Qur'anic Wall Tiles** in a folder titled "060629." "060629" refers to June 29, 2006; the metadata of those images states that they were modified on that date. Each image was digitally titled with the corresponding inventory number for each tile: M5633c (Exhibit 4C), M5634 (Exhibit 5A), M5635 (Exhibit 6A), M5636 (Exhibit 7A), M5637 (Exhibit 8A), and M5638 (Exhibit 9A). According to Informant #1, those photographs were taken when the **Qur'anic Wall Tiles** arrived at AOP. Thus, the photographs must have been taken between June 16, 2006—when AOP received the shipment—and June 29, 2006—when the images were modified.

Each of the **Qur'anic Wall Tiles** is listed in the inventory. *See* Exhibit 4D.

I recovered two information sheets for the **Qur'anic Wall Tiles** from an AOP computer. The first pertains only to Tile M5633 and describes it as follows:

Qur'anic Tile  
Pakistan, Multan Region  
18<sup>th</sup> century,  
*Kashi Gari* style glazed tile  
Dimensions: 78 x 19 inches (1.98 m x 48.3 cm) *See* Exhibit 4E.

The information sheet further states, "[t]his large, rectangular tile was used originally to decorate the wall of a mosque or a shrine." *Id.*

The second information sheet describes the remaining tiles as follows:

Qur'anic Tiles, M5634-5638  
Pakistan, Multan Region

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18<sup>th</sup> – 19<sup>th</sup> century

*Kashi Gari* style glazed tile

Dimensions:

M5634 - 62 x 15 inches (157 x 38.1 cm) Price: \$95,000.00

M5635 - 49 x 22 inches (125 x 55.9 cm) Price: \$95,000.00

M5636 - 43 x 24 inches (109 x 61 cm) Price: \$75,000.00

M5637 - 41 x 15 inches (104 x 38.1 cm) Price: \$55,000.00

M5638 - 60 x 25 inches (152 x 63.5 cm) Price: \$125,000.00 *See* Exhibit 5B.

According to a restoration invoice from Co-Conspirator SALMON dated March 15, 2008, Co-Conspirator SALMON restored “a collection of Islamic Glazed calligraphic tiles” for \$24,850. *See* Exhibit 4F.

After Co-Conspirator SALMON restored the **Qur’anic Wall Tiles**, AOP published Tile M5633 in AOP’s September 2008 catalogue. *See* Exhibit 4G.

KAPOOR (or others at AOP) created a false letter of ownership for **Qur’anic Wall Tile M5633**. According to a letter dated June 3, 2004, Co-Conspirator Selina MOHAMED—KAPOOR’s girlfriend at the time of his arrest—acquired the tile from her parents in 1999. The letter states that her parents acquired it in the 1960’s. *See* Exhibit 4H. This letter is false, however, because the tiles did not enter the United States until June 2006. *See* Exhibit 4B.

Under KAPOOR’s instruction, Informant #1 requested a certificate from the Art Loss Register (“ALR”)<sup>12</sup> for Tile 5633. According to Informant #1, KAPOOR instructed Informant #1 to tell the ALR that Tile 5633 was from a “Private Collection U.S.A.” On October 31, 2008, the ALR issued a certificate listing only this provenance information. *See* Exhibit 4I.

<sup>12</sup> Established in London in 1991 as a company earning fees from insurers and theft victims, the ALR purports to have the world’s largest private database of lost and stolen art, antiques, and collectables. If an object does not appear in the ALR’s database, the ALR will issue a certificate to that effect. Absence from the ALR’s database, however, does not mean an object is possessed legally. As set out on every ALR-produced certificate, “[t]he database does not contain information on illegally exported artefacts unless they have been reported to us as stolen.” *See* Exhibit 4H. Thus, the ALR could never contain the results of clandestine excavations. Second, again as set out on every ALR certificate, “[n]ot every loss or theft is reported to us [ALR].”

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According to Informant #1, J. Michael Padgett, a representative of the Princeton University Art Museum, viewed **Tile M5633** in person at AOP and purchased it for the Princeton University Art Museum on or around November 13, 2008. According to an invoice dated November 13, 2008, AOP sold Tile M5633 to the Princeton University Art Museum for \$40,500 (\$45,000 minus a 10% discount). *See* Exhibit 4J. A carbon receipt shows payment was received on December 3, 2008. *See* Exhibit 4K.

As stated above, KAPOOR purchased five of the **Qur'anic Wall Tiles** for \$20,000. *See* Exhibit 4A. According to Exhibit 5B, however, five of the **Qur'anic Wall Tiles** are valued at \$445,000. **Tile M5633** alone sold for \$40,500. *See* Exhibit 4J. Such a low acquisition price in comparison to such a high retail value is an indicator of theft, because legal antiquities with true provenance are not normally acquired drastically under market value.

*Monumental Statue of Herakles as Vajrapani* (Exhibit 10)

I observed a pre-restoration photograph of the **Monumental Herakles** in the "0604IndoPak" folder. In that image, titled "M5649," the **Monumental Herakles** appears to have been recently doused with water and is partially wet, especially under Herakles' left arm, along his waste-line, and at his feet. *See* Exhibit 10. As stated above, looters commonly douse statues with water to remove loose dirt or topsoil and to better expose the fine details of a statue for photographs.

According to the inventory log, AOP received the **Monumental Herakles** and assigned it inventory number M5649 on or about July 28, 2006. That inventory lists the **Monumental Herakles** as a "Hercules,"<sup>13</sup> dated to "Gandharan 2—4<sup>th</sup> century," and "7/28/2006" is written to the right of the entry. *See* Exhibit 10A.

According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 20, 2006, Co-Conspirator SALMON cleaned a "large standing Hercules figure" for KAPOOR. *See* Exhibit 10B, no. 2. I know this invoice refers to the **Monumental Herakles** because, as discussed below, this invoice also lists the restoration of a "seated Gandhara Buddha." Given the invoice's close proximity in date to AOP's receipt of both the **Monumental Herakles** and the "Seated Buddha," I know it refers to these two statues.

<sup>13</sup> "Hercules" is the Roman name of the Greek demigod "Herakles" or "Heracles."



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Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

I recovered a post-restoration photograph of the **Monumental Herakles** from an AOP computer. *See* Exhibit 10C. The post-restoration photograph was located in folder "060823," for August 23, 2006, and titled "M5649a."

The **Monumental Herakles'** information sheet describes it as follows:

A Monumental Sculpture of Herakles-Vajrapani, M5649  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup> century  
Grey schist  
Height: 60 inches (152.4 cm)  
Price: \$950,000.00 *See* Exhibit 10D.

The information sheet's metadata shows it was created February 23, 2007.

On July 26, 2012, DHS-HSI seized the **Monumental Herakles** from Sofia Storage, unit 736. *See* Exhibit 10E.

*Seated Buddha on a Lotus* (Exhibit 11)

I observed a pre-restoration photograph of the **Seated Buddha** in the "0604IndoPak" folder. *See* Exhibit 11. This photograph, titled "M5650," appears to have been taken in the same room as the photograph of the **Monumental Herakles** in Exhibit 10. Like the **Monumental Herakles**, the **Seated Buddha** also appears to have been doused with water and is partially wet; a pool of water is visible in the crook of the **Seated Buddha's** right arm. As discussed above, this is evidence of looting.

According to the inventory log, AOP received the **Seated Buddha** and assigned it inventory number M5650 on or about July 28, 2006. That inventory lists the **Seated Buddha** as a "Seated Buddha on Lotus" dated to "Gandhara 2-4<sup>th</sup> century," and "7/28/2008" is written to the right of the preceding entry (the **Monumental Herakles**). *See* Exhibit 10A.

According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 20, 2006, KAPOOR commissioned Co-Conspirator SALMON to "[c]lean and consolidate seated Gandhara Buddha." *See* Exhibit 10B, no. 1.

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(212) 335-9323

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By November 16, 2007, the **Seated Buddha** was restored. I recovered a post-restoration image of the **Seated Buddha** from an AOP computer. In that image, the **Seated Buddha** appears clean and restored. *See* Exhibit 11A. I found this image in a folder titled "071116," for November 16, 2007.

The **Seated Buddha's** information sheet reads as follows:

Seated Buddha on Lotus, M5650  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup> – 3<sup>rd</sup> century  
Schist  
Dimensions: 47 x 27 inches (1.2 meters x 68.6 cm)  
Price: \$650,000.00 *See* Exhibit 11B.

The information sheet's metadata shows it was created November 17, 2007.

KAPOOR colluded to create a false ownership record for the **Seated Buddha** to make it appear legal. According to a letter from Co-Conspirator MEHGOUB to KAPOOR dated July 21, 2003, MEHGOUB's husband, Abdulla Mehgoub, acquired the **Seated Buddha** in Delhi between 1968 and 1971 and has resided with it in New York since at least 1971. *See* Exhibit 11C. According to Informant #1, however, MEHGOUB would frequently sign fictitious provenance documents for KAPOOR; Exhibit 11C is one such fictitious document. The document's metadata indicates it was scanned on December 1, 2007. Moreover, the **Seated Buddha** appeared to have been recently stolen as late as April 2006, as it appeared in pre-restoration photographs in the "0604Indopak" folder.

On July 26, 2012, DHS-HSI seized the **Seated Buddha** from Sofia Storage, unit 736. *See* Exhibit 11D.

*Stucco Atlas* (Exhibit 12)

I observed a pre-restoration photograph of the **Stucco Atlas** in the "0604IndoPak" folder. *See* Exhibit 12. In that image, the **Stucco Atlas** appears to be sitting on the ground in a carpeted room with other antiquities and is covered in dirt. Valuable antiquities are generally not photographed in such an unprofessional setting unless they have been stolen.

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(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1, Co-Conspirator SALMON cleaned the **Stucco Atlas** before AOP received it. As discussed below, there is an approximately 1-year gap between the appearance of photographs of the **Stucco Atlas** in the "0604IndoPak" folder and its arrival at AOP. This gap is consistent with KAPOOR's first having sent the **Stucco Atlas** to be restored.

According to the inventory log, AOP received the **Stucco Atlas** at AOP and assigned it inventory number M5861 on or about May 15, 2007. That inventory lists the **Stucco Atlas** as a, "Seated Atlas" dated to the "3<sup>rd</sup>-4<sup>th</sup> [century]," and "5/15/07" is written to the right of the entry. *See* Exhibit 12A.

I recovered a post-restoration image of the **Stucco Atlas** in which it appears to be clean and restored from a hard drive seized from AOP. *See* Exhibit 12B. The metadata of that image states that it was modified on May 16, 2007, one day after AOP received the **Stucco Atlas**. Thus, the **Stucco Atlas** had already been restored by its May 2007 arrival at AOP.

The **Stucco Atlas'** information sheet describes it as follows:

Atlas, M5861  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup> – 3<sup>rd</sup> century  
Stucco  
Height: 25 ½ inches (59.7 cm)  
Price: \$175,000.00 *See* Exhibit 12C.

According to its metadata, that information sheet was created on October 13, 2007.

On July 26, 2012, DHS-HSI seized the **Stucco Atlas** from Sofia Storage, unit 736. *See* Exhibit 12D.

March 2008 Group

As will be discussed below, between March and August 2008, KAPOOR purchased a series of schist Gandharan antiquities from the BUTTS. The BUTTS sent the following three Gandharan antiquities to KAPOOR on or about March 8, 2008:

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(212) 335-9323

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1. a large statue of Bodhisattva<sup>14</sup> Padmapani (the "**Bodhisattva Padmapani**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 53 inches in height, and offered by KAPOOR for sale for \$850,000 (Exhibit 13);
2. a sculpture of a Garuda holding a woman (the "**Garuda**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 33 inches in height, and valued by KAPOOR at approximately \$650,000 (Exhibit 14); and
3. a relief of Buddha preaching (the "**Preaching Buddha**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring 24 inches in height, and valued by KAPOOR at approximately \$125,000 (Exhibit 15) (collectively the "**March 2008 Group**").

I observed a folder titled "DEALERS" on the forensic image of an AOP computer that, according to Informant #1, contains images and documents pertaining to KAPOOR's transactions with various dealers around the world. That folder is organized by subfolders titled after the respective parties with whom KAPOOR conducted business.

In the DEALERS folder I observed a subfolder titled "Lotus gallery." According to Informant #1, the "Lotus gallery" subfolder contains documents and photographs pertaining to KAPOOR's various dealings with the BUTTS; this includes KAPOOR's dealings with other businesses owned and operated by the BUTTS besides Lotus Gallery.

I observed images of the **March 2008 Group** in a subfolder accessed by the digital folder path "DEALERS/INRNAT/Lotus gallery/Received 0804. See Exhibit 13 (**Bodhisattva Padmapa**, Exhibit 14 (**Garuda**), and Exhibit 15 (**Preaching Buddha**). In those images, the **Bodhisattva Padmapani**, **Garuda**, and **Preaching Buddha** appear to be placed in a warehouse or storage facility. Each piece in the storage facility is unmounted and many appear to be unrestored or dirty. Cardboard boxes, styrofoam, and other antiquities are scattered about on the floor in the background. According to their metadata, the photographs were

<sup>14</sup> A Bodhisattva is a being that compassionately refrains from entering nirvana in order to save others. It is worshipped as a deity in Mahayana Buddhism.

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taken on January 23, 2007, with a Casio EX-S500 camera, and modified on October 22, 2007. "0804" suggests that these images were saved to an AOP computer in or about April 2008.

According to shipping documents and a fraudulent customs invoice signed by Zeeshan BUTT and issued from Lotus Gallery's Hong Kong location, Zeeshan BUTT smuggled the **March 2008 Group** from Hong Kong to KAPOOR in New York. BUTT addressed the associated customs invoice to KAPOOR C/O Art of the Past, and dated it 03/03/2008. *See* Exhibit 13A. The invoice lists the following "HAND MADE STONE CARVED GOODS": a "Stone Seated Buddha with Attendants," a "Stone Lady with Eagle," and a "Stone Standing Bodhisattva Fragment." Informant #1 confirmed that these entries refer to the **March 2008 Group**. The invoice states, "ALL ABOVE ITEMS ARE PACKED IN THREE (3) PLYWOOD CASES ONLY WITH DIMENSIONS:" "79cm x 50cm x 37 cm," "103cm x 57cm x 43cm," and "143cm x 70cm x 48 cm." These measurements for shipping crates are consistent with the sizes of each piece as indicated in KAPOOR's documents. All three sculptures are fraudulently described as being from "Ancient India, 6th-7th Century." As discussed below, the declared country of origin—India—is false. The invoice valued the **Preaching Buddha** at \$4,000, the **Garuda** at \$3,500, and the **Bodhisattva Padmapani** at \$3,000. *See* Exhibit 13A.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received the **March 2008 Group** on or about March 12, 2008, via FedEx. Rawaiee Al Lotus Hong Kong issued the invoice that accompanied the shipping documents. The shipment originated in Hong Kong. *See* Exhibit 13B.

According to an invoice dated March 13, 2008, 10-31 Inc., a company that creates custom mounts, cabinets, and exhibition materials, built black bases for "3 Large Stone Sculptures (crated)" for AOP. *See* Exhibit 13C. The invoice, which bears invoice number T08096, describes the sculptures as follows: "Large Standing," "Female w/bird," and "Seated Buddha Relief." "Week 4/7" is written in the upper left-hand corner. *Id.* A statement from 10-31 Inc. to AOP dated April 22, 2008, describes the contents of invoice T08096 as "3 Large Stone Sculptures." The date of transaction is listed as April 14, 2008. *See* Exhibit 13D.

As discussed below, I believe AOP inventoried the **March 2008 Group** after they had been mounted and restored. According to the inventory, AOP received the **Bodhisattva Padmapani** and **Garuda** between April 24, 2008 and May 8, 2008, and assigned them inventory numbers M6104 and M6105. *See* Exhibit 13E. The inventory listing for the

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**Bodhisattva Padmapani** states, "Standing Bodhisattva" from the "2<sup>nd</sup> 3<sup>rd</sup> cent." The inventory listing for the **Garuda** states that it is a, "Garuda" from the "4<sup>th</sup>-5<sup>th</sup> cent." Those entries appear between other entries with the handwritten dates "4/23/08" and "5/8/08." Based on the inventory listing, it appears AOP received the **Preaching Buddha** between June 13, 2008 and June 30, 2008, and assigned it inventory number M6131. The inventory listing for the **Preaching Buddha** states, "Buddha Surrounded by Bodhisattvas Gandhara, 2<sup>nd</sup>-3<sup>rd</sup> cent Schist." That entry appears between other entries with the handwritten dates "6/13/08" and "6/30/08." See Exhibit 15A.

*Bodhisattva Padmapani* (Exhibit 13)

I found a hard copy photograph of the **Bodhisattva Padmapani** at Sofia Storage, unit 736. See Exhibit 13F. In this photograph, the sculpture is shown leaning up against a wall and placed on top of a dirty, unfolded box. A pack of cigarettes is placed next to the sculpture, likely for scale. The surface of the sculpture appears to be unclean. This photograph was found inside of an envelope with numerous other photographs showing various unrestored antiquities. I observed indentations in the surface of the photograph and made a pencil tracing of them to see them clearly. This tracing read "F Ru ZP Butt. Hus 599 St 30. Islamabad. Pakistan." It is likely that someone wrote this on a piece of paper on top of this photograph, thus leaving the indentation.

Informant #1 has observed the **Bodhisattva Padmapani** and has concluded that it is from Gandhara and dates to the 2<sup>nd</sup>-3<sup>rd</sup> century, not the 6<sup>th</sup>-7<sup>th</sup> century as indicated on the fraudulent customs invoice; furthermore, Gandhara was located in what is now Pakistan and Afghanistan, not modern-day India. This is corroborated by the information sheet for the **Bodhisattva Padmapani**, which describes the piece as follows:

Padmapani Bodhisattva, M6104  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup> – 3<sup>rd</sup> century  
Schist  
Height: 53 inches (135 cm) See Exhibit 13G.

KAPOOR attempted to hide the **Bodhisattva Padmapani's** illegal origins by creating, or having his employees create, a false letter of provenance that was backdated to March 12,

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2005. KAPOOR's personal friend, Co-Conspirator KREBS, signed the letter. It states that KREBS purchased the sculpture from a private collector in Germany in 1970. *See* Exhibit 13H. I interviewed Co-Conspirator KREBS. KREBS confessed to helping KAPOOR create false provenance documents for money and stated that she never actually sold KAPOOR *any* antiquities, nor did she sell anything to KAPOOR. According to KREBS, she signed this letter of provenance at KAPOOR's gallery. KAPOOR told KREBS that KAPOOR needed KREBS's signature and name on the letter of provenance, because KAPOOR did not have prior ownership documents for the piece; this would be necessary for KAPOOR to sell it. I recovered a scanned copy of the false provenance letter from an AOP computer on January 5, 2012. According to the file's metadata, it was modified on Thursday, July 10, 2008, at 12:30:18 PM.

AOP published the **Bodhisattva Padmapani** in AOP's September 2008 catalogue. It is pictured on the front cover and as item #2. *See* Exhibit 13I. KAPOOR, using his business email address, artofpast@aol.com, advertized the sculpture for sale to Informant #2 for \$850,000 on Thursday, December 4, 2008. *See* Exhibit 13J.

On July 26, 2012, DHS-HSI seized the **Bodhisattva Padmapani** from Sofia Storage, unit 736. *See* Exhibit 13K.

*Garuda* (Exhibit 14)

On May 14, 2009, Informant #2 received an email from AOP offering the **Garuda** for \$650,000. Informant #2 forwarded the email to me. *See* Exhibit 14A. The email included the information sheet for the **Garuda** and two photographs as attachments. The information sheet describes the **Garuda** as follows:

Garuda Seizing a Nagini, M6105  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup>-3<sup>rd</sup> century  
Grey schist with traces of original red gesso  
Height: 33 inches (83.82 cm)  
Price: \$650,000.00 *See* Exhibit 14B.

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AOP published the **Garuda** in the March 2010 AOP catalogue. *See* Exhibit 14C. According to the catalogue entry, the **Garuda** is 33 inches in height and hails from Gandhara in its Kushan Period, 2<sup>nd</sup> – 3<sup>rd</sup> Century CE.

The **Garuda's** current whereabouts are unknown.

*Preaching Buddha* (Exhibit 15)

The information sheet for the **Preaching Buddha**, inventory number M6131, describes it as follows:

Relief Panel with Preaching Buddha M6131  
Ancient India, Region of Gandhara  
Kushan Period, 2<sup>nd</sup>–3<sup>rd</sup> century  
Schist with traces of gesso  
Height: 24 inches (61 cm)  
Price: \$125,000.00 *See* Exhibit 15B.

A post-restoration photograph recovered from one of the AOP computers is attached as Exhibit 15C.

On March 26, 2014, DHS-HSI seized the **Preaching Buddha** from Cirkers Storage, unit 1202. *See* Exhibit 15D.

August 2008 Group

Between April and August 2008, the BUTTS sent the remaining four Gandharan antiquities to KAPOOR:

1. a large Torso of a Bodhisattva (the "**Bodhisattva Torso**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 66 inches in height, and valued by KAPOOR at approximately \$750,000 (Exhibit 16);
2. a large Standing Buddha (the "**Standing Buddha**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, and measuring approximately 91 inches in height, and valued at 1,200,000 (Exhibit 17);



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3. a large Standing Bodhisattva (the "**Standing Bodhisattva**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, and measuring approximately 82 inches in height, and valued at \$1,250,000 (Exhibit 18); and
4. a large grey schist Gandharan bust of a Bodhisattva (the "**Bodhisattva Bust**"), dated to the 2<sup>nd</sup> – 3<sup>rd</sup> century, measuring approximately 46 inches by 42 inches, and valued by KAPOOR and the Pierre Hotel at \$1,200,000 (Exhibit 19) (collectively the "**August 2008 Group**").

As discussed below, AOP received the **August 2008 Group** in three shipments between April 25, 2008 and August 21, 2008. *See* Exhibits 16A, 17A, and 19A. According to Informant #1, KAPOOR would sometimes wait to have items restored, mounted, or serviced until KAPOOR had multiple items that required services so that KAPOOR could transport the items in bulk and save money. In October 2008, KAPOOR then sent the **August 2008 Group**, along with additional pieces, to 10-31, Inc. to be mounted. *See* Exhibits 16B and 16C. According to shipping documents, AOP received the **August 2008 Group** from 10-31, Inc. in March 2009. *See* Exhibits 16D and 16E. As discussed below, AOP then entered the **August 2008 Group** into the inventory log. *See* Exhibit 16F.

*Bodhisattva Torso*

I found a digital photograph of the **Bodhisattva Torso** in a subfolder of the "Lotus gallery" folder titled "REC 080415." *See* Exhibit 16. According to the image's metadata, it was taken on June 5, 2007, with a Casio EX-S500 camera and modified March 3, 2008. The file name, however, suggests that it was saved to an AOP computer on or about April 15, 2008. This photograph shows the **Bodhisattva Torso** prior to mounting and leaning against a wall with other antiquities, including a seated Buddha, on the floor nearby. Informant #1 reviewed this photograph of the **Bodhisattva Torso** and remembers seeing the **Bodhisattva Torso** in person. Informant #1 recalls that the **Bodhisattva Torso's** surface was covered in hard encrustations. Informant #1 further explained that the condition of the sculpture as it appears in that image is typical of recently illegally excavated antiquities—*i.e.* unmounted, discolored, and placed on the floor.

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ADA Christopher Hirsch  
(212) 335-9175

Shipping records recovered from KAPOOR's office or storage locations show that KAPOOR received the **Bodhisattva Torso** via FedEx on or about April 25, 2008. The accompanying invoice is from Rawaiee Al Lotus Hong Kong Ltd. to KAPOOR. *See* Exhibit 16A.

On October 8, 2008, 10-31, Inc. quoted AOP prices to mount several pieces including each piece in the **August 2008 Group**. *See* Exhibit 16B. On February 16, 2008, 10-31, Inc. sent an invoice to AOP for the work performed on several pieces including the **August 2008 Group**. *See* Exhibit 16C. According to a Classic Fine Arts Packers & Shippers collection and delivery receipt dated February 20, 2009, William Stender of 10-31, Inc. shipped the **Standing Buddha, Standing Bodhisattva, Bodhisattva Bust, and Bodhisattva Torso**—and other objects—to Sofia Brothers Inc., also known as Sofia Storage. *See* Exhibit 16D. Attached to that collection and delivery receipt are five photographs of the **August 2008 Group** from various angles. In one of those photographs, the four pieces are in a line and face the viewer. A carbon-copy of a Classic Fine Arts delivery receipt dated March 12, 2009, lists each of the **August 2008 Group** antiquities. *See* Exhibit 16E.

In or about March 2009, AOP received the **Bodhisattva Torso** and assigned it inventory number M6228. The inventory log describes the **Bodhisattva Torso**, M6228, as a "Lg. Headless Bodhisattva" from "Gandhara, 2nd – 3rd cent," and made of "schist." The inventory lists its height as 66 inches. *See* Exhibit 16F. The notation for a preceding piece, inventory number M6224, indicates AOP inventoried that piece on or about March 13, 2009. Therefore, AOP inventoried the **August 2008 Group** on or after March 13, 2009. *Id.*

According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON "[t]o re-attach all broken sections [and] to clean off heavy encrustations" for twelve pieces, including: a "6ft Standing bodhissattva[minus head, great drapery]." *See* Exhibit 16G. The removal of heavy encrustations is a clear indication that an artifact has been recently stolen. According to Informant #1, the pieces discussed above are the **August 2008 Group**.

AOP published the **Bodhisattva Torso** in AOP's March 2010 exhibition catalogue, which describes the **Bodhisattva Torso** as from Gandhara. *See* Exhibit 16H.

On June 1, 2009, the ALR issued a certificate to AOP stating that the "Torso of Bodhisattva" did not appear in their database of lost and stolen art and artifacts. According to that

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(212) 335-9323ADA Christopher Hirsch  
(212) 335-9175

certificate, the provenance information provided was "Private collection." *See* Exhibit 16I. Providing a vague provenance statement, such as "Private collection," would allow KAPOOR to create false provenance documents in the future should he need them to sell the piece.

In a price list recovered from a forensic image of one of the computers, inventory number M6228 is priced at \$750,000. *See* Exhibit 16J.

On January 5, 2012, DHS-HSI seized the **Bodhisattva Torso** from Sofia Storage, unit 734. *See* Exhibit 16K.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

*Standing Buddha* (Exhibit 17) and *Standing Bodhisattva* (Exhibit 18)

I observed digital photographs of both the **Standing Buddha** and **Standing Bodhisattva** in the "Lotus gallery" folder. *See* Exhibits 17 and 18. The photograph of the **Standing Buddha** was labelled "old1-91in." The photograph of the **Standing Bodhisattva** was labelled "old2-80in." According to their metadata, both photos were taken by a Casio EX-S500 camera on January 23, 2007, and modified on October 22, 2007. In each photograph, the subject piece appears to be packaged individually in a rotting plywood crate. Each piece is laid on its back and is surrounded by broken pieces of styrofoam. Stolen objects are often packaged this way to conceal their true nature and value from customs officials. Smugglers, in an effort to avoid detection, do not use professional grade shipping or packing materials so that they can move the pieces quickly without others seeing or questioning. I also found an invoice from Rawaiee Al Lotus Hong Kong Ltd. in the "Lotus gallery" folder. *See* Exhibit 17B. Its subject line reads: "Re: 4 Plywood Cases of Stone Carved Goods." It lists three standing stone male figures from ancient India, dated to approximately the 2<sup>nd</sup> – 3<sup>rd</sup> Century, and priced at \$3,000, \$5,000, and \$8,000, respectively. The invoice's metadata shows it was modified on July 28, 2008. According to Informant #1, this invoice accounts for the **Standing Buddha** and **Standing Bodhisattva**.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received the items invoiced in Exhibit 17A via Fedex on or about July 30, 2008. The accompanying invoice is from Rawaiee Al Lotus Hong Kong Ltd. to KAPOOR. *See* Exhibit 17A.

As discussed above, AOP sent the **August 2008 Group** for mounting in October 2008. According to shipping records, the pieces did not return to AOP until March 2008. *See* Exhibits 16B – 16E. The pieces were then added to AOP's inventory. *See* Exhibit 16F.

AOP assigned the **Standing Buddha** inventory number M6227. The inventory log describes the **Standing Buddha**, M6227, as a "Lg. Standing Buddha (figures in Prahba) Gandhara, 2<sup>nd</sup> – 3<sup>rd</sup> Cent. Schist." The inventory listed the **Standing Buddha's** height at 91 inches. *See* Exhibit 16F.

AOP assigned the **Standing Bodhisattva** inventory number M6229. The inventory describes the **Standing Bodhisattva**, M6229, as a "Stand Bodhisattva (Large) w/Buddha + figures in

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(212) 335-9323

ADA Christopher Hirsch  
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base Gandhara, 2<sup>nd</sup> – 3<sup>rd</sup> cent. Schist.” The inventory listed the **Standing Bodhisattva’s** height at 82 inches. *See* Exhibit 16F.

According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON “[t]o re-attach all broken sections [and] to clean off heavy encrustations” for twelve pieces, including: an “8ft standing Buddha” and a “lifesize draped figure.” The removal of heavy encrustations is a clear indication that an artifact has been recently stolen. According to Informant #1, the pieces discussed above are the **Standing Buddha** and **Standing Bodhisattva**. *See* Exhibit 16G.

According to Informant #1, the **Standing Buddha** is estimated to be valued at \$1,200,000, and the **Standing Bodhisattva** is estimated to be valued at \$1,250,000.

On July 26, 2012, DHS-HSI seized the **Standing Buddha** from Sofia Storage, unit 736. *See* Exhibit 17C. On January 5, 2012, DHS-HSI seized the **Standing Bodhisattva** from Sofia Storage, unit 734. *See* Exhibit 18A.

*Bodhisattva Bust* (Exhibit 19)

I found a digital photograph of the **Bodhisattva Bust** in a subfolder of the “Lotus gallery” folder titled, “Received 080802” for August 2, 2008. *See* Exhibit 19. According to its metadata, the photograph was taken by a Casio EX-S500 camera on October 21, 2007, and modified on August 1, 2008. This photograph shows the **Bodhisattva Bust** in what appears to be a warehouse, supported by a wooden pallet, with upright pallets in the background.

Shipping records recovered from KAPOOR’s business or storage locations show that AOP received the **Bodhisattva Bust** via FedEx on or about August 21, 2008. The accompanying invoice is from Rawaice Al Lotus Hong Kong Ltd. to KAPOOR. *See* Exhibit 19A.

As discussed above, AOP sent the **August 2008 Group** for mounting in October 2008, and the pieces did not return to AOP until March 2008. *See* Exhibits 16B – 16E. The pieces were then added to AOP’s inventory. *See* Exhibit 16F.

AOP received the **Bodhisattva Bust** and assigned it inventory number M6226. The inventory log describes the **Bodhisattva Bust**, M6226, as a “Giant Bodhisattva Bust

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(212) 335-9175

Gandhara, 2<sup>nd</sup> – 3<sup>rd</sup> Century Schist.” The inventory listed the **Standing Bodhisattva’s** dimensions as 46 x 42 inches. *See* Exhibit 16F.

According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON “[t]o re-attach all broken sections [and] to clean off heavy encrustations” for twelve pieces, including: “two busts of a “Bodhissatva.” The removal of heavy encrustations is a clear indication that an artifact has been recently stolen. According to Informant #1, this description includes the subject **Bodhisattva Bust**. *See* Exhibit 16G.

On June 1, 2009, the ALR issued a certificate to AOP stating that the “Bust of Bodhisattva” did not appear in their database of lost and stolen art and artifacts. Again, that certificate states that the provenance provided to the ALR for the **Bodhisattva Bust** was only “Private collection.” *See* Exhibit 19B.

According to a contract dated September 21, 2009, AOP loaned the Pierre Hotel three artworks—a 10<sup>th</sup> century Ganesha (discussed below), a 17<sup>th</sup> century Jali Screen, and the **Bodhissattva Bust**—from September 2009 until March 2010. *See* Exhibit 19C. The contract described the **Bodhisattva Bust** as measuring approximately 46 inches by 42 inches, and dated it to approximately 2nd–3rd Century A.D. A certificate of property insurance issued to AOP on September 22, 2009, lists the **Bodhisattva Bust’s** value as \$1,200,000. *See* Exhibit 19D.

The loan period was extended and continued until October 23, 2012, when DHS-HSI and DANY executed a search warrant at the Pierre Hotel and took possession of the **Bodhisattva Bust**. *See* Exhibit 19E.

### iii. The Asokan Network (Tamil Nadu)

According to seized emails, documents, bank records, computer files and Informant #1, from at least 2003 until the time of KAPOOR’s arrest in 2011, Sanjeeve ASOKAN, also known as “Sanjeevee,” “Sanjive,” or “Sanjivi,” supplied KAPOOR with antiquities stolen from southern India worth millions of dollars. ASOKAN sold KAPOOR a large number of antiquities that ASOKAN or others recently stole directly from temples or archaeological sites. KAPOOR kept photographs of items received from or offered by ASOKAN on CDs recovered during the execution of the warrant executed on January 5, 2012. One such CD

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ADA Christopher Hirsch  
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contained a subfolder titled "Sanjeeve." According to Informant #1, the photographs in the "Sanjeeve" folder depict pieces that ASOKAN offered to sell to KAPOOR. According to the New Indian Express, in 2009 ASOKAN was arrested in India in connection with thefts from temples in the Ariyular and Tirunelveli Districts.

As discussed in the Patrimony Laws section below, I am informed by Raj Kumar Dubey, a lawyer in the Republic of India and the Managing Partner of the law firm Dubey & Partners, that the export of antiquities from the Republic of India must comply with the Antiquities and Art Treasures Act of 1972 and Antiquities and Art Treasure Rules of 1973. Section three of the Art Treasures Act of 1972 prohibits anyone, other than the Central Government and its authorized agents, from exporting any antiquity from India. Thus, any antiquity exported without the knowledge and authorization of the Republic of India would be exported illegally.

As discussed below, between 2003 and 2008, KAPOOR purchased the following illegal antiquities from ASOKAN: a bronze statue of a standing Jina (Exhibit 20), a granite statue of a Shakyamuni Buddha (Exhibit 21), a bronze statue of an Uma Parvati (M5787) (Exhibit 22), a bronze statue of a Murugan (Exhibit 23), a bronze statue of an Uma Parameshvari (Exhibit 24), a bronze statue of a Ganesh (Exhibit 25), a bronze statue of Saint Manikkavachakar (Exhibit 26), a bronze statue of the child saint, Sambander (Exhibit 27), a bronze statue of a seated Devi (Exhibit 28), a bronze statue of a standing Shiva (M5626) (Exhibit 29), a bronze statue of an Uma Parvati (M5803) (Exhibit 30), a bronze statue of a Shiva Nataraja (M5835) (Exhibit 31), a bronze statue of an Uma Parvati (M6113) (Exhibit 32), a bronze statue of Shivagami Amman (M6118) (Exhibit 33), a bronze statue of a Shiva Nataraja (M6119) (Exhibit 34), a bronze statue of a Trisula (Exhibit 35), a bronze statue of Shivagami Amman (M6148) (Exhibit 36), a bronze statue of a Shiva Nataraja (M6114) (Exhibit 37), a bronze statue of an Uma Parvati (M6117) (Exhibit 38), and a bronze statue of a Mayil (Exhibit 39).

"Sanjeeve"

*Standing Jina* (Exhibit 20)

As will be discussed below, KAPOOR knowingly possessed stolen property in New York in the form of a bronze statue of a standing Jina (the "**Standing Jina**"), from Tamil Nadu, India, dated to the 12<sup>th</sup> century, measuring approximately 29.5 inches in height, and valued at approximately \$750,000. *See* Exhibit 20.

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(212) 335-9323

ADA Christopher Hirsch  
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In the "Sanjeeve" folder, I observed two subfolders labeled "031104" and "040117," referring to November 4, 2003, and January 17, 2004, respectively. According to Informant #1, KAPOOR likely received the digital files within each folder on those dates. As discussed below, subfolders "031104" and "040117" contained photographs of the **Standing Jina** at the time, or shortly after, it was stolen.

Inside subfolder "031104" I observed multiple images of the **Standing Jina**, one of which is attached as Exhibit 20. This image shows the **Standing Jina** outdoors; its surface is corroded and covered in loose dirt as if it had only just been dug out of the ground. The "031104" folder also contained an image of the underside of the statue's base, where clumps of dirt are clearly visible. See Exhibit 20A. As discussed above, visible dirt is a sign that an object has been recently excavated or stolen. Inside subfolder "040117," I observed duplicates of several of the images found in the "031104" subfolder. I also observed several additional images that appear to have been taken at about the same time and location. The presence of photographs of the **Standing Jina** in two folders with different dates is likely because ASOKAN offered the **Standing Jina** to KAPOOR on at least two occasions: November 4, 2003, and January 17, 2004. A dealer of illegal antiquities might provide potential purchasers with a photograph in which an antiquity is covered in dirt from recently having been excavated to prove a statue's authenticity.

On January 20, 2004, ASOKAN emailed KAPOOR and described the **Standing Jina's** origins. That email reads:

*In Nagapatnam belt near Mannarkudy there is a place called Deepamkudy. It is famous for Jain temples. Now also there are the symptoms of ruined 11th C Jain temples. These temples are ruined and there are steps from the HRE&CE (Hindu Religious and Charitable Endowments) to take over the temples. Near Deepamkudy one person dug the earth to make a small pond to grow fresh water fishes. While digging he got some vessels and this piece. He sold all these to a Hawker. The Hawker sold the vessels to an Iron Merchant and asked him to consider the piece as an art object and he demanded the price not to the weight of the object but of the artistic value. The Iron merchant approached a broker dealing old objects and told him that he has a Buddha with him. The broker saw the piece and understood that it is a Jain of 11th C and told the iron merchant that there is nothing special in it, it will fetch him only the price of metal and advised him to convey this message to the hawker. The iron merchant bought the piece for the metal weight from the hawker and told him that he was going to melt the piece along with the other vessels. The hawker agreed. From the Iron merchant the broker*



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*bought the piece. He told the merchant not to disclose the deal to anybody. I have a well experienced person ,who buys pieces for me. If he tells ok about a piece there is no room for suspicion of the genuineness. He also employed brokers. One of his broker knew about this and he gone to see the piece and very much satisfied ,and made his broker to buy the piece. Thus through four to five hands it reached me. See Exhibit 20B.*

The email, which was signed "Sanjeevee," goes on to discuss ASOKAN's failed attempt to sell the **Standing Jina** to a named American dealer. I have spoken with this dealer who has confirmed that the piece offered by ASOKAN was the **Standing Jina**. The dealer has also informed me that ASOKAN sent the dealer the same photos that I observed in the "Sanjeeve" folder. The email also discusses that another known looter, Dean DAYAL, allegedly commissioned a chemical test to confirm the **Standing Jina's** authenticity. The email concluded "[a]nd I want to clear that I wish a long lasting business relationship with you." It is signed "Sanjeevee." *Id.*

I found a post-restoration photograph of the **Standing Jina** during a search of the forensic image of an AOP computer. The photograph is titled "M4758." According to its metadata, it was modified on April 23, 2004. *See Exhibit 20C.*

KAPOOR submitted the **Standing Jina** to Dr. John Twilley for a metallographic examination. According to a report dated May 20, 2004, and created by Twilley in which Twilley analyzed the statue's corrosion and how it interacted with the soil where it was buried, the binding process was natural and resulted from the conditions where the statue was buried. *See Exhibit 20D.* This report corroborates ASOKAN's email claiming that the **Standing Jina** was recently excavated. It also proves that the **Standing Jina** was stolen.

According to the inventory log, AOP received the **Standing Jina** and assigned it inventory number M4758 between March 30, 2004 and May 10, 2004. The inventory lists the **Standing Jina** as a "Standing Jina bronze," and "3/20/04" and "5/10/2004" are the nearest preceding and subsequent listed dates. *See Exhibit 20E.*

The **Standing Jina's** information sheet's metadata indicates it was created June 28, 2004. It describes the **Standing Jina** as follows:

Standing Jina, M4758  
Tamil Nadu, Chola period, 12<sup>th</sup> Century

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Bronze

Height: 29 1/4 in. (76 cm.)

Price: \$750,000.00 See Exhibit 20F.

On or about February 22, 2005, AOP sold the **Standing Jina** to Private Collector #1 in New York. According to Informant #1, Private Collector #1 and KAPOOR agreed to document the sale at an undervalued purchase price to avoid taxes. According to an invoice dated February 22, 2005, and recovered from an AOP computer, AOP sold the **Standing Jina** to Private Collector #1 for \$64,442 plus \$5558.12 in tax for a total of \$70,000.12. See Exhibit 20G. A carbon sales invoice recovered from KAPOOR's business or storage locations also states that "1 Indian Bronze" was sold to Private Collector #1 on March 1, 2005, for \$70,000.12. See Exhibit 20H. According to Informant #1 and a sales ledger seized from KAPOOR's office or storage locations, Private Collector #1 actually paid approximately \$435,000 for the **Standing Jina**. The sales ledger lists the following sale: "1 Jain Bronze M4758" to Private Collector #1 for \$335,000 (\$435,000 minus \$100,000) on February 12, 2005. See Exhibit 20I. According to Informant #1 and the information sheet for the **Standing Jina**, its market value is \$750,000.

According to Informant #1, following the sale, Royal Academy of London selected the piece for exhibition, and its curator requested provenance before exhibiting the piece. KAPOOR then created, or instructed his employees to create, three fictitious provenance records to hide the **Standing Jina's** illegal past: a false provenance letter from Co-Conspirator MEHGOUB, a fraudulent purchase invoice to support that statement, and a certification of that statement.

First, according to Informant #1, KAPOOR instructed Informant #1 to create a false provenance letter from Co-Conspirator MEHGOUB. That letter, dated July 25, 2004, and purportedly signed by Co-Conspirator MEHGOUB, states that MEHGOUB's husband, Abdulla Mehgoub, purchased the **Standing Jina** in Delhi between 1968 and 1971. See Exhibit 20J. As described above, MEHGOUB is a known associate of KAPOOR who supplied KAPOOR with false provenance for multiple antiquities.

Second, KAPOOR created a fictitious invoice to support this sale. That invoice, dated April 15, 1970, states that Indian Fine Arts sold the **Standing Jina** to Abdulla Meghoub in New Delhi, India, for \$50,000 rupees. See Exhibit 20K. According to Informant #1, as a general business practice, KAPOOR created fraudulent purchase invoices, including this invoice,

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using an old typewriter and old letterhead from various companies. Pursuant to a search executed at KAPOOR's storage unit at Cirkers Storage on March 26, 2014, I recovered an old typewriter I believe KAPOOR used for this purpose. I also recovered blank letterhead for Indian Fine Arts and various other companies. I observed both the false letter and the fictitious invoice in a subfolder of a CD titled "P." According to Informant #1, that folder contains the false provenance documents created by KAPOOR (or others at AOP at his direction).

Third, according to Informant #1, KAPOOR instructed Informant #1 to create a statement certifying the aforementioned fictitious provenance. *See* Exhibit 20L. According to Informant #1, Informant #1 created this document to facilitate selling the **Standing Jina** to Private Collector #1. Also according to Informant #1, under normal circumstances, KAPOOR would not provide provenance information to buyers; instead KAPOOR would simply guarantee that AOP had legal title to sell the piece. For some buyers, such as museums, KAPOOR would typically attempt to provide the provenance information after completion of the sale.

In a letter dated January 13, 2006, Informant #1 wrote to Private Collector #1, "[p]lease find enclosed a copy of the provenance for the Chola Jina, as well as the letter to Dr. Adrien Locke at the Royal Academy that we faxed him directly." *See* Exhibit 20M.

The **Standing Jina's** current whereabouts are unknown.

*Shakyamuni Buddha* (Exhibit 21)

As will be discussed below, KAPOOR knowingly possessed stolen property in New York in the form of a granite sculpture of a Shakyamuni Buddha sitting in the classic posture of meditation (the "**Shakyamuni Buddha**"), dated to the 11<sup>th</sup> century, measuring approximately 52 1/4 inches by 36 1/4 inches by 17 5/8 inches, and valued at approximately \$2,500,000. *See* Exhibit 21.

In the "Sanjeeve" folder I observed a subfolder titled "040528" that contains images received by KAPOOR on or about May 28, 2004. As discussed below, that subfolder contains six photographs of the **Shakyamuni Buddha** at or shortly after the time of its theft. Exhibit 21 is one of those photographs.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Exhibit 21 shows the **Shakyamuni Buddha** inside of a non-descript structure and sitting on a dirt floor covered with straw. The base of the **Shakyamuni Buddha** appears to be sitting on a brown fabric similar to a burlap sack. The fabric was likely used to cover and conceal the **Shakyamuni Buddha** during its theft or to facilitate the dragging of the piece from its original location. The "040528" folder contained three additional photographs of the **Shakyamuni Buddha** in the same state and room from various angles. *See Exhibits 21A–C.* In two additional photographs, the **Shakyamuni Buddha** appears to be outside and has been placed in a patch of dirt and weeds next to what appears to be the exterior wall of a building. *See Exhibits 21D and 21E.* In each of these photographs, dirt is visible on the **Shakyamuni Buddha's** surface. Dirt is a sign that an artifact was recently and illegally removed from a temple, excavation, or archaeological site. Moreover, the presence of a statue, purported to be worth \$2,500,000, in a sack inside a non-descript house or shed or sitting outside and not in a temple or other appropriate location indicates it was recently stolen at the time the photographs were taken.

According to Informant #1, ASOKAN and KAPOOR smuggled the **Shakyamuni Buddha** out of India and to New York.

According to the inventory log, AOP received the **Shakyamuni Buddha** and assigned it inventory number M4873 between September 16, 2004 and November 20, 2004. That inventory lists the **Shakyamuni Buddha** as a "Seated Buddha" from "South India," and "9/16/04" and "11/20/04" are the nearest recorded preceding and succeeding dates, respectively. *See Exhibit 21F.*

According to an invoice from Co-Conspirator SALMON to KAPOOR dated November 10, 2004, SALMON restored a "Monumental seated Buddha." *See Exhibit 21G.* Based on the date of the invoice and the description of the piece, I believe this invoice pertains to the **Shakyamuni Buddha**.

KAPOOR utilized a connection with then-curator Dr. Gauri Parimoo Krishnan at the Asian Civilisations Museum ("ACM") to create a provenance trail for the **Shakyamuni Buddha**. KAPOOR advertised the **Shakyamuni Buddha** in the September 2010 AOP catalogue. *See Exhibit 21H.* According to that catalogue, from November 1, 2007 until March 23, 2008, the ACM exhibited the **Shakyamuni Buddha** as part of an exhibit entitled, "On the Nalanda Trail: Buddhism in India, China, and Southeast Asia." Also according to the September 2010 AOP catalogue, the **Shakyamuni Buddha** was also published on page forty-nine of the

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catalogue for that exhibition, which was written by Krishnan. *Id.* According to Informant #1, by displaying the **Shakyamuni Buddha** in a prominent museum exhibition KAPOOR created an air of legitimacy, because potential buyers expect that museums will thoroughly research each piece and will not display stolen antiquities.

The information sheet for the **Shakyamuni Buddha** reads as follows:

A Monumental Sculpture of Shakyamuni Buddham, M4873  
South India, Tamil Nadu, Nagapattinam  
Chola Period, 11<sup>th</sup> century  
Granite  
Dimensions: 52 ¼ x 36 ¼ x 17 5/8 inches (132.7 x 92.1 x 44.8 cm)  
Price: \$2,500,000.00 *See* Exhibit 21I.

On July 26, 2012, DHS-HSI seized the **Shakyamuni Buddha** from Sofia Storage, unit 535. *See* Exhibit 21J.

*Uma Parvati M5787* (Exhibit 22)

In or about 2006, KAPOOR possessed stolen property in New York in the form of a bronze statue of Uma Parvati ("**Uma Parvati M5787**"), dated to the 12<sup>th</sup> century, measuring approximately 33 inches in height, and valued at approximately \$2,500,000 to \$3,500,000. *See* Exhibit 22.

I observed a digital photograph of **Uma Parvati M5787** in a subfolder of the "Sanjeeve" folder titled "060628," for June 28, 2006. In that photograph, **Uma Parvati M5787's** surface appears to be covered in dust. *See* Exhibit 22.

According to the inventory log, AOP received **Uma Parvati M5787** and assigned it inventory number M5787 between September 14, 2006 and October 28, 2006. *See* Exhibit 22A. That inventory lists **Uma Parvati M5787** as an "Uma," from the "Chola Period, 11<sup>th</sup> – 12<sup>th</sup> Cent." *Id.*

The information sheet for **Uma Parvati M5787** describes it as follows:

Uma Parameshvari, M5787

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ADA Christopher Hirsch  
(212) 335-9175

South India, Tamil Nadu  
Chola Period, 12<sup>th</sup> century  
Bronze  
Height: 33 inches (83.8 cm) *See* Exhibit 22B.

I also observed post-restoration photographs of **Uma Parvati M5787**, one of which is attached as Exhibit 22C, that had been saved on an AOP computer.

According to Informant #1, **Uma Parvati M5787** is estimated to be valued at approximately \$2,500,000 to \$3,500,000.

According to Informant #1, after Defendant's 2011 arrest in Germany and before the search warrant execution on January 5, 2012, Informant #1 and Co-Conspirators Selina MOHAMED and Sushma SAREEN—KAPOOR's sister—sent almost every Tamil Nadu bronze statue stored at AOP to MOHAMED's apartment to conceal them from authorities. According to Informant #1, **Uma Parvati M5787** may have been amongst those items removed from AOP and given to Co-Conspirator MOHAMED. Following the search warrant execution on January 5, 2012, MOHAMED refused to keep the bronzes at her apartment. Co-Conspirator SAREEN then said she would take the pieces to a safe location. Informant #1 knows from conversations with Co-Conspirators MOHAMED and SAREEN that Co-Conspirator MOHAMED gave the pieces to Co-Conspirator SAREEN. According to Informant #1, Informant #1 has not seen **Uma Parvati M5787** or the other hidden pieces since providing them to MOHAMED.

*Bronze Murugan* (Exhibit 23)

In or about 2007, KAPOOR possessed stolen property in New York in the form of a bronze statue of a Murugan (the "**Bronze Murugan**"), dated to the 12<sup>th</sup> century, measuring approximately 26 ½ inches in height, and valued at approximately \$450,000 to \$750,000. *See* Exhibit 23.

I observed a digital photograph of the **Bronze Murugan** in a subfolder of the "Sanjeeve" folder titled "060916," for September 16, 2006. In that photograph, the **Bronze Murugan** appears to be dirty and unrestored. *See* Exhibit 23A.

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DEFENDANTS.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to the inventory log, AOP received the **Bronze Murugan** and assigned it inventory number M5836 between January 4, 2007 and February 8, 2007. *See* Exhibit 23B. That inventory lists the **Bronze Murugan** as a “Chandikeshwar,” from the “Chola Period, 12<sup>th</sup> Cent.” *Id.*

I also observed post-restoration photographs of the **Bronze Murugan** that had been saved to an AOP computer. *See* Exhibit 23.

According to Informant #1, the **Bronze Murugan** is valued at approximately \$450,000 to \$750,000.

On July 26, 2012, DHS-HSI recovered the **Bronze Murugan** from Sofia Storage, unit 734. *See* Exhibit 23C.

Sree Purunthan Village Siva Temple Thefts

As will be discussed below, KAPOOR knowingly possessed stolen property in New York in the form of eight statues stolen from the Siva Temple in the Sree Puranthan (Sripurandan) Village, Tamil Nadu, India. According to Informant #1, ASOKAN supplied the statues, which were exported from India in staggered shipments between November 2005 and January 2007. According to Informant #1, KAPOOR typically imported purchases in multiple shipments to lessen the impact of losing a shipment during a customs inspection. KAPOOR received the following Sree Purunthan statues from ASOKAN:

1. a bronze statue of Uma Parameshvari (“**Uma Parameshvari M5354**”), dated to the 11<sup>th</sup>–12<sup>th</sup> century, measuring approximately 26 inches in height, and valued at approximately \$650,000 (Exhibit 24);
2. a bronze statue of a Ganesh (the “**Bronze Ganesh**”), dated to 11<sup>th</sup>–12<sup>th</sup> century, measuring approximately 19 inches in height, and valued at approximately \$245,000 (Exhibit 25);
3. a bronze statue of Saint Manikkavachakar (the “**Saint Manikkavachakar**”), dated to the 11<sup>th</sup>–12<sup>th</sup> century, measuring approximately 24 ¼ inches in height, and sold for approximately \$706,063 (Exhibit 26);

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

4. a bronze statue of the child saint Sambander (the "**Sambander**"), dated to the 12<sup>th</sup> century, measuring approximately 24 ½ inches, and valued at approximately \$775,000 (Exhibit 27);
5. a bronze statue of a seated Devi (the "**Seated Devi**"), dated to the 13<sup>th</sup>–14<sup>th</sup> century, measuring approximately 17 inches in height, and valued at approximately \$95,000 (Exhibit 28);
6. a bronze statue of a standing Shiva (the "**Standing Shiva**"), dated to the 12<sup>th</sup> century, measuring approximately 34 inches in height, and valued at approximately \$650,000 (Exhibit 29);
7. a bronze statue of Uma Parvati ("**Uma Parvati M5803**"), dated to the 11<sup>th</sup> century, measuring approximately 40 ¼ inches in height, and valued at approximately \$2,500,000 (Exhibit 30); and
8. a bronze statue of a Shiva Nataraja ("**Shiva Nataraja M5835**"), dated to the 11<sup>th</sup> century, measuring approximately 52 inches in height, and valued at approximately \$5,000,000 (Exhibit 31).

According to a police report filed with the Idol Wing of the Tamil Nadu Police, the above eight antique metal idols were stolen from the Siva Temple in the Sree Puranthan (Sripurandan) Village, Tamil Nadu, India. That theft was reported to the Tamil Nadu Police and is assigned case number 133/08. I observed that report, which states that two of the thieves, Rathianam and Sivakumar, confessed to stealing the statues at ASOKAN's direction. ASOKAN purchased the statues from the thieves and smuggled them to KAPOOR in the United States, via the shipping company Everstar International. The French Pondicherry Institute ("IFP") maintains an archive of statues in Tamil Nadu; that archive contains pre-theft photographs of all eight of the stolen idols.<sup>15</sup>

*Uma Parameshvari M5354* (Exhibit 24), *Bronze Ganesh* (Exhibit 25), and *Saint Manikkachavikar* (Exhibit 26)

<sup>15</sup> The IFP archive is not publically accessible. The IFP granted DANY and DHS-HSI access to the archive explicitly for this investigation.



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(212) 335-9323

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As discussed below, sometime between 1994 and 2006, three sculptures—**Uma Parameshvari M5354**, the **Bronze Ganesh**, and the **Saint Manikkavachakar**—were stolen from the Siva Temple in Tamil Nadu, India. In or about November 2005, KAPOOR purchased these idols from ASOKAN.

I observed photographs of **Uma Parameshvari M5354**, the **Bronze Ganesh**, and the **Saint Manikkavachakar** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman first photographed all three pieces at the Siva Temple in the Sri Purundan Village, Tamil Nadu, India, on June 24, 1961. *See* Exhibits 24A, 25A and 26A. On November 23, 1994, S Natarajan photographed all three pieces at the same temple. *See* Exhibits 24B, 25B and 26B. By July 2005, **Uma Parameshvari M5354** and the **Bronze Ganesh** had been stolen from the Siva Temple. By September 2005, the **Saint Manikkavachakar** had also been stolen from the Siva Temple.

I observed digital photographs of **Uma Parameshvari M5354**<sup>16</sup> and the **Bronze Ganesh** in a subfolder of the “Sanjeeve” folder titled “050711,” for July 11, 2005. *See* Exhibits 24C and 25C. The photos show **Uma Parameshvari M5354** and the **Bronze Ganesh** outside, on a wooden platform, and next to a beige or off-white wall. Both statues appear to be dusty and unclean, especially at their bases. As with the **Standing Jina**, the folder also contains a photograph of the underside of each statue. *See* Exhibits 24D and 25D. In each of those photographs, an individual has been cropped out of the picture. This is a common tactic utilized by thieves to obscure their identity.

I observed several digital photographs of the **Saint Manikkavachakar** in a subfolder of the “Sanjeeve” folder titled “050915,” for September 15, 2005. One of those photographs is attached as Exhibit 26C. *See* Exhibit 26C. In that photograph, the **Saint Manikkavachakar** appears to be indoors and is dirty and unrestored. In some of the photographs, the statue appears to be covered in dust. *See* Exhibit 26D.

According to the inventory log, AOP received **Uma Parameshvari M5354** and the **Bronze Ganesh** and assigned them inventory numbers M5354 and M5355, respectively, on or about November 16, 2005. *See* Exhibit 24E. In the inventory, the numbers assigned to **Uma Parameshvari M5354** and the **Bronze Ganesh** are switched. According to Informant #1

<sup>16</sup> KAPOOR’s paperwork refers to the **Uma Parameshvari M5354** interchangeably as Uma Parvati, Devi, and Uma Parameshvari.

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ADA Christopher Hirsch  
(212) 335-9175

and subsequent documents pertaining to these pieces, however, **Uma Parameshvari M5354** is actually assigned inventory number M5354 and the **Bronze Ganesh** is assigned inventory number M5355. The inventory lists **Uma Parameshvari M5354** as a, "Standing Parvati" from India, dated to the "11<sup>th</sup> c." and the **Bronze Ganesh** as a "Standing Ganesh" from "S. India, Chola 12<sup>th</sup> c." "11/16/05" is written to the right of each entry.

According to the inventory log, AOP received the **Saint Manikkavachakar** and assigned it inventory number M5365 on or about December 6, 2005. That inventory lists the **Saint Manikkavachakar** as a, "St Manikkavachaka (Shaivite Saint)," from "Chola, 12<sup>th</sup> century," and "12/6/05" is written to the right of the listing. *See* Exhibit 26E.

According to a customs invoice dated December 30, 2005, AOP sent **Uma Parameshvari M5354**, the **Bronze Ganesh**, and the **Saint Manikkavachakar** to Co-Conspirator SMITH, a London-based restorer, for restoration. *See* Exhibit 24F. I recovered that customs invoice as a Microsoft Word document on an AOP computer. The metadata for Exhibit 24F states that it was created and modified on December 31, 2005. Furthermore, I found pre-restoration photographs of **Uma Parameshvari M5354**, the **Bronze Ganesh**, and the **Saint Manikkachavikar** on an AOP computer in the folder path "Restorers/NeilSmith/051230." *See* Exhibits 24G, 25E, and 26F.

I also observed post-restoration photographs of each piece on a forensic image of an AOP computer. *See* Exhibits 24, 25, and 26.

The information sheets for **Uma Parameshvari M5354**, the **Bronze Ganesh**, and the **Saint Manikkavachakar** describe the pieces as follows:

Uma Parameshvari, M5354  
South India, Tamil Nadu  
Chola Period 11th– early 12th century  
Bronze  
Height: 26 inches (66 cm) *See* Exhibit 24H.

Ganesha, M5355  
South India, Tamil Nadu  
Chola Period, late 11<sup>th</sup> – mid 12<sup>th</sup> century  
Bronze

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Dimensions: 19 inches *See* Exhibit 25F.

Saint Manikkavachakar, M5365

South India, Tamil Nadu

Chola Period, late 11<sup>th</sup> – 12<sup>th</sup> century

Bronze

Height: 24 ¼ inches (61.6 cm) *See* Exhibit 26G.

According to an invoice dated February 20, 2007, AOP sold **Uma Parameshvari M5354** to the ACM in Singapore for \$650,000 (\$750,000 minus a \$100,000 discount). *See* Exhibit 24I. I found the invoice for that sale as a Microsoft Word document in a folder on an AOP computer via the digital folder path "Museums/INT/SINGAPOR/070131 Selection." This folder contained documentation of several pieces that KAPOOR presented to the ACM in early 2007. In that folder, I observed an invoice for a "Standing Parvati" that is printed on letterhead from Kangra Art Palace and dated September 12, 1970. *See* Exhibit 24J. This invoice purports to document the statue's sale to Rajapati Singh and Insan Mohamed, parents of Co-Conspirator Selina MOHAMED. This invoice is fraudulent; as demonstrated above, **Uma Parameshvari M5354** was photographed at the Siva Temple in Sri Purundan in November 1994, and thus could not have been sold in September 1970. The Kangra Art Palace invoice's digital file name is "February 13, 2007." Its metadata shows it was saved to an AOP computer on February 13, 2007. According to Informant #1, Kangra Art Palace belonged to KAPOOR's father. As discussed above, KAPOOR regularly created fraudulent invoices for unprovenanced pieces using blank letterhead, including that of Kangra Art Palace, and an old typewriter. I recovered a typewriter and copies of the letterhead from KAPOOR's office or storage locations during the course of my investigation. The ACM returned **Uma Parameshvari M5354** to the Republic of India in approximately 2015.

According to an invoice dated May 1, 2006, AOP sold the **Bronze Ganesh** to the Toledo Museum of Art ("TMA") for \$245,000 (\$275,000 minus a \$30,000 discount). *See* Exhibit 25G. I found the invoice as a Microsoft Word document in a folder accessed via the digital folder path "Museums/USA/Toledo." I also found false provenance documentation for the **Bronze Ganesh**. On one of the CDs recovered from KAPOOR's office or storage locations,

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I found a document titled "060102 Vijayanagara Ganesha."<sup>17</sup> This document is a letter of provenance signed by Co-Conspirator MOHAMED certifying that "the Dancing Ganesha" was purchased by her mother in India in 1971. A photograph of the **Bronze Ganesh** appears at the top of this letter. *See* Exhibit 25H. As demonstrated above, however, Co-Conspirator MOHAMED's mother could not have purchased the **Bronze Ganesh** in 1971, because it was still at the Siva Temple on November 23, 1994.

Informant #1 was also instructed by KAPOOR to create a provenance document purporting to be from Jazmin International, an Asian art gallery in Singapore, certifying that the **Saint Manikkavachakar** has been in a private collection and outside of India for more than 30 years. *See* Exhibit 26H. The owner of Jazmin International and the signatory of the false provenance letter is Co-Conspirator PUNUSAMY, KAPOOR's former girlfriend. *Id.* I found a copy of this document, dated May 5, 2005, on one of the CDs recovered from KAPOOR's office or storage locations.

According to an invoice dated March 31, 2006, AOP sold the **Saint Manikkavachakar** to Private Collector #2 in New York for \$706,062.50 (\$650,000 plus \$56,062.50 in tax). *See* Exhibit 26I. Private Collector #2 subsequently surrendered the **Saint Manikkavachakar** to this Office, and it was repatriated to the Republic of India on June 6, 2016.

*Sambander* (Exhibit 27) and *Seated Devi* (Exhibit 28)

As discussed below, between 1994 and 2006, the **Sambander** and the **Seated Devi** were stolen from the Siva Temple in Sri Purunthan, Tamil Nadu, India. In or about 2005 or 2006, KAPOOR purchased the **Sambander** and **Seated Devi** from ASOKAN.

I observed photographs of the **Sambander** and **Seated Devi** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman took a photograph of the **Sambander** on June 24, 1961, at the Siva Temple. *See* Exhibit 27A. On November 23, 1994, S Matarajan photographed the **Sambander** and **Seated Devi** at the same temple. *See* Exhibits

<sup>17</sup> Co-Conspirator MOHAMED also signed a letter of provenance for a different bronze dancing Ganesh from the Vijayanagara Period. It appears that AOP mistakenly mislabeled this digital file with the information from the other, unrelated letter.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

27B and 28A. By January 2006, the **Sambander** and **Seated Devi** had been stolen from the Siva Temple.

I observed several digital photographs of the **Sambander** and **Seated Devi** in a subfolder of the "Sanjeeve" folder titled "060112" for January 12, 2006. *See* Exhibits 27C and 28B. The photographs show the **Sambander** and **Seated Devi** each on a wooden platform, next to a white wall. Both statues appear to be dusty, especially at their bases. As with the **Standing Jina**, **Uma Parameshvari M5354**, and **Bronze Ganesh**, the folder also contains a photograph of the underside of each statue. *See* Exhibits 27D and 28C.

According to the inventory register, AOP received the **Sambander** and **Seated Devi** and assigned them inventory numbers M5454 and M5455, respectively, on or about March 14, 2006. *See* Exhibit 27E. That inventory lists the **Sambander** as a "Dancing Sambander," from "Chola S. India 12<sup>th</sup> cent," and the **Seated Devi** as a "Seated Devi," from "Chola S. India 13<sup>th</sup> cent." "3/14/06" is written to the right of each entry. *Id.*

According to a customs invoice recovered as a Microsoft Word document from an AOP computer, AOP sent the **Sambander** and **Seated Devi** to Co-Conspirator SMITH in London for restoration. *See* Exhibit 27F. The invoice's metadata states it was created March 22, 2006.<sup>18</sup> *Id.*

The information sheet for the **Sambander** describes the piece as follows:

An Important Sculpture of the Child-Saint Sambandar, M5454  
South India, Tamil Nadu  
Chola Period, 12<sup>th</sup> century  
Copper alloy  
Height: 24 ½ inches *See* Exhibit 27G.

According to an invoice dated March 27, 2007, AOP sold the **Sambander** to Private Collector #1 in New York for \$135,468.75 (\$125,000 plus \$10,468.75 in tax). *See* Exhibit 27H. According to Informant #1, and as supported by the sales ledger seized from KAPOOR's office or storage locations, AOP actually sold the **Sambander** for \$775,000. *See* Exhibit 27I.

<sup>18</sup> The invoice itself is dated December 30, 2005, but the metadata suggests the document was created on March 22, 2006.

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As with the **Standing Jina**, Private Collector #1 and KAPOOR agreed to document a lower price for the piece to avoid taxes.

KAPOOR signed a letter of provenance that states that the **Seated Devi** had been in the United States, since 1991. *See* Exhibit 28D. DHS-HSI recovered that letter from KAPOOR's office or storage locations. According to Informant #1, that information is false. Moreover, the **Seated Devi** was photographed at the Siva Temple in November 1994. Thus, it could not have been in the United States in 1991.

According to a consignment list dated March 25, 2008, AOP consigned the **Seated Devi** to Georgia Chrischilles, a Belgium based antiquities dealer, for \$95,000.<sup>19</sup> *See* Exhibit 28E.

In December 2012, Customs and Border Protection and DHS-HSI recovered the **Seated Devi**.

*Standing Shiva* (Exhibit 29)

As discussed below, between 1994 and June 2006, the **Standing Shiva** was stolen from the Siva Temple in Tamil Nadu, India. In or about 2005 or 2006, KAPOOR purchased the **Standing Shiva** from ASOKAN.

I observed photographs of the **Standing Shiva** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman photographed the **Standing Shiva** on June 24, 1961, at the Siva Temple. *See* Exhibit 29A. On November 23, 1994, S Natarajan photographed the **Standing Shiva** again at the same temple. *See* Exhibit 29B. By April 2006, the **Standing Shiva** had been stolen from the Siva Temple.

I observed several digital photographs of the **Standing Shiva** in a subfolder of the "Sanjeeve" folder titled "060403," for April 3, 2006. In those photographs, the **Standing Shiva** appears to have been placed on a wooden platform next to a white wall. *See* Exhibit 29C and 29D. The wooden platform appears to be the same as the one visible in photographs of the **Sambander** and the **Seated Devi**. *See* Exhibits 27C and 28B.

In the "Sanjeeve" folder I observed a Microsoft Word document titled, "060717accountaa," which is an account ledger between KAPOOR and ASOKAN as of July 17, 2006. That

<sup>19</sup> I recovered this file from an AOP computer as an unsigned Microsoft Word document.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

document lists the sale of a shiva on May 12, 2006, for "40,000." *See* Exhibit 29E. According to Informant #1, that shiva is the subject **Standing Shiva**.

According to the inventory log, AOP received the **Standing Shiva** and assigned it inventory number M5626 on or about June 26, 2006. That inventory lists the **Standing Shiva** as a "Shiva," from the "Chola Period, 11<sup>th</sup> century," and "6/26/06" is written to the right of the entry. *See* Exhibit 29F.

According to a customs invoice recovered as a Microsoft Word document from an AOP computer and dated June 15, 2006, AOP sent the **Standing Shiva** to Co-Conspirator SMITH in London for restoration. *See* Exhibit 29G. According to the invoice's metadata, it was created on June 14, 2006, and was last saved on June 27, 2006.

According to Informant #1, on behalf of KAPOOR, Co-Conspirator SMITH showed the **Standing Shiva** to Douglas Latchford, an antiquities dealer located in Bangkok, Thailand. On August 30, 2006, AOP sold the **Standing Shiva** to Latchford for \$650,000. That sale is documented in a Microsoft Word document titled "06\_3" that details bonuses paid to Informant #1 for transactions in July, August, and September 2006. *See* Exhibit 29H. According to Informant #1, listing number 7 pertains to the subject **Standing Shiva**. This sale is also corroborated by a page from the sales ledger. *See* Exhibit 29I. According to the ledger, AOP sold Latchford a "Chola Shiva" for \$650,000 on August 28, 2006. Informant #1 states that Latchford never requested any provenance documentation or an ALR certificate from AOP.

*Uma Parvati M5803* (Exhibit 30)

As discussed below, between 1994 and December 2006, **Uma Parvati M5803** was stolen from the Siva Temple in Tamil Nadu, India. In or about 2006, KAPOOR purchased it from ASOKAN.

I observed photographs of **Uma Parvati M5803** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman photographed **Uma Parvati M5803** on June 24, 1961, at the Siva Temple. *See* Exhibit 30A. On November 23, 1994, S Natarajan photographed **Uma Parvati M5803** again at the same temple. *See* Exhibits 30B and 30C. By June 2006, **Uma Parvati M5803** had been stolen from the Siva Temple.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

I observed a digital photograph of **Uma Parvati M5803's** base in a subfolder of the "Sanjeeve" folder titled "060603," for June 3, 2006. *See* Exhibit 30D. The photograph shows the base and feet of **Uma Parvati M5803** next to a white wall, in a non-professional setting.

According to the inventory, AOP received **Uma Parvati M5803** and assigned it inventory number M5803 between November 6, 2006 and December 26, 2006. *See* Exhibit 30E. The inventory describes **Uma Parvati M5803** as an "Uma Paravati," from the "Chola Period, 12<sup>th</sup> century," and "11/6/06" and "12/26/06" are the nearest preceding and succeeding listed dates.

According to Informant #1, KAPOOR sent **Uma Parvati M5803** to Matthew Hanlon Restorations in Long Island City, New York, for restoration. I observed photographs and documents pertaining to that restoration in a subfolder accessed via the digital folder path "Restorers/Matthew." In an estimate dated November 29, 2006, Matthew Hanlon Restorations stated that **Uma Parvati M5803's** "surface is dirty" and quoted an estimate of \$1,440 to clean the piece. *See* Exhibit 30F. The "Matthew" folder contained two subfolders labeled "061113" and "061115," for November 13, 2006 and November 15, 2006. These folders contained photographs of **Uma Parvati M5803** in various stages of restoration. *See* Exhibits 30G-J.

I also observed a post-restoration photograph of **Uma Parvati M5803** on an AOP computer. *See* Exhibit 30.

The information sheet for **Uma Parvati M5803** describes it as follows:

Uma Parameshvari M5803  
South India, Tamil Nadu  
Chola Period, 11th century  
Copper alloy  
Height: 40 ¼ inches (102.3 cm)  
Price: \$2,500,000.00 *See* Exhibit 30K.

On July 26, 2012, DHS-HSI recovered **Uma Parvati M5803** from Sofia Storage, unit 734. *See* Exhibit 30L.



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-against-

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

*Shiva Nataraja M5835* (Exhibit 31)

As discussed below, between 1994 and February 2007, **Shiva Nataraja M5835** was stolen from the Siva Temple in Tamil Nadu, India. In or about 2006, KAPOOR purchased the piece from ASOKAN.

I observed photographs of **Shiva Nataraja M5835** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman photographed **Shiva Nataraja M5835** at the Siva Temple on June 24, 1961. *See* Exhibit 31A. On November 23, 1994, S Natarjan photographed **Shiva Nataraja M5835** at the same temple. *See* Exhibit 31B. By October 2006, **Shiva Nataraja M5835** had been stolen from the Siva Temple.

I observed several digital photographs of **Shiva Nataraja M5835** in a subfolder of the "Sanjeeve" folder titled "061015," for October 15, 2006. One of those photographs shows **Shiva Nataraja M5835** in a room with walls that exhibit green stains. *See* Exhibit 31C.

According to the inventory log, AOP received **Shiva Nataraja M5835** between January 4, 2007 and February 8, 2007. That inventory lists **Shiva Nataraja M5835** as a "Giant Nataraja," from the "Chola Period," specifically the "12<sup>th</sup> cent." *See* Exhibit 31D. "1/4/07" and "2/8/07" are the nearest preceding and succeeding dates.

I also observed a professional-quality photograph of **Shiva Nataraja M5835** that was saved on one of the computers imaged at AOP. *See* Exhibit 31.

The information sheet for **Shiva Nataraja M5835** describes it as follows:

Shiva Nataraja, M5835  
South India, Tamil Nadu  
Chola Period, 11th century  
Bronze  
Height: 52 inches (132.1 cm) *See* Exhibit 31E.

According to a carbon invoice dated March 1, 2008, AOP sold **Shiva Nataraja M5835** to the NGA for \$5,000,000. *See* Exhibit 31F.

Under KAPOOR's direction, Informant #1 created false provenance documents for **Shiva Nataraja M5835** to support the sale to the NGA. Informant #1 created a provenance letter

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from Co-Conspirator MEHGOUB stating that MEHGOUB's husband, Abdullah Mehgoub, purchased the piece between 1968 and 1971, when he was a diplomat in Delhi. *See* Exhibit 31G. That letter was supported by a fraudulent invoice from the "Fine Art Museum" in New Delhi that states that MEHGOUB's husband purchased **Shiva Nataraja M5835** on May 14, 1970. *See* Exhibit 31H. I know that the invoice and letter are fraudulent, because **Shiva Nataraja M5835** was photographed at the Siva Temple in November 1994; thus, it could not have been sold to Abdulla Mehgoub in 1970. The NGA, in cooperation with this investigation, supplied copies of the fraudulent provenance letter and invoice.

The NGA also supplied a letter written and sent by KAPOOR falsely explaining how Co-Conspirator MEHGOUB came to sell **Shiva Nataraja M5835**. *See* Exhibit 31I. In that letter, KAPOOR explained that after retiring, Abdullah Mehgoub accumulated debt by spending more than his pension. KAPOOR describes that preliminary negotiations to purchase the piece began as early as 2003 (the year the false provenance letter from Co-Conspirator MEHGOUB is dated). The letter explained how a post-retirement Abdullah Mehgoub refused to accept any position where he was not in charge. According to the letter, Abdullah Mehgoub then became depressed and spent in excess. Following the resulting financial troubles and her husband's death, Co-Conspirator MEHGOUB sold the piece to KAPOOR. *Id.*

According to Informant #1, in or about 2006 or 2007, KAPOOR brought two employees of the NGA, Ronald Radford and Robyn Maxwell, to KAPOOR's storage warehouses to show them antiquities for sale. Those warehouses contained numerous dirty, unrestored, and illegal antiquities. As industry professionals, Radford and Maxwell should have recognized the suspect conditions of the objects and been suspicious of KAPOOR's right to sell such items. According to Informant #1, any party purchasing numerous fantastic pieces such as **Shiva Nataraja M5835**—as was the NGA—should have realized that "pieces like these just don't appear out of thin air." Informant #1 further states that Radford's practice of acquiring antiquities from AOP was "fast and furious," while other museums were turning AOP pieces down during the same time period.

#### Suthamali Village Siva Temple Thefts

As will be discussed below, KAPOOR knowingly possessed stolen property in New York in the form of five statues stolen from the Siva Temple in the Suthamali (Suttamalli) Village, Tamil Nadu, India:

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1. a bronze statue of Uma Parvati ("**Uma Parvati M6113**"), dated to the 11<sup>th</sup> century, measuring approximately 32 3/8 inches in height, and valued at approximately \$3,500,000 (Exhibit 32);
2. a copper alloy statue of Shivagami Amman ("**Shivagami Amman M6118**"), dated to the 13<sup>th</sup> century, measuring approximately 26 inches, and valued at approximately \$1,750,000 (Exhibit 33);
3. a bronze statue of a shiva as Nataraja, Lord of the Dance ("**Shiva Nataraja M6119**"), dated to the 12<sup>th</sup> century, measuring approximately 42 1/2 inches by 33 inches by 15 1/4 inches, and valued at approximately \$3,500,000 (Exhibit 34);
4. a bronze statue of shiva as Trisula (the "**Trisula**"), dated to the 15<sup>th</sup>–16<sup>th</sup> century, and valued at approximately \$35,000 (Exhibit 35); and
5. a bronze statue of a Shivagami Amman ("**Shivagami Amman M6148**"), measuring approximately 31 3/4 inches in height, dated to the 12<sup>th</sup>–13<sup>th</sup> century, and valued at approximately \$2,000,000 (Exhibit 36).

According to a police report filed with the Idol Wing of the Tamil Nadu Police, the above five metal idols were amongst eighteen total idols stolen from the Siva Temple in the Suthamali (Suttamalli) Village of Tamil Nadu, India. That theft was reported to the Tamil Nadu Police and is assigned case number 065/08. I observed that report, which reads that three of the thieves, Marisamy, Sri Ram, and Pitchaimani, confessed to stealing the idols at ASOKAN's direction. ASOKAN then exported the idols from India and sent the above five idols to KAPOOR in New York.

The above five idols were stolen between 1961 and 2008. I observed photographs of **Uma Parvati M6113**, **Shivagami Amman M6118**, **Shiva Nataraja M6119**, the **Trisula**, and **Shivagami Amman M6148** in the IFP photographic archive. See Exhibits 32A (**Uma Parvati M6113**), 33A (**Shivagami Amman M6118**), 34A (**Shiva Nataraja M6119**), 35A (**Trisula**), and 36A (**Shivagami Amman M6148**). According to the IFP archive, PZ Pattabiraman took those photographs on June 24, 1961, at the Siva Temple in the Suttamalli Village of Tamil Nadu. As will be discussed below, AOP received each of the above idols in 2008. Thus, the idols must have been stolen between 1961—when they were last photographed—and 2008—when they arrived in New York.

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ADA Christopher Hirsch  
(212) 335-9175

*Uma Parvati M6113* (Exhibit 32)

Pursuant to the search warrant executed at AOP on January 5, 2012, I recovered a CD titled "Puli March 08" (the "Puli CD"). According to Informant #1, the Puli CD contains photographs of antiquities that ASOKAN sold to KAPOOR in or about March 2008.

On this CD, I observed several digital photographs of **Uma Parvati M6113**, one of which is attached as Exhibit 32B. *See* Exhibit 32B. In that photograph, **Uma Parvati M6113's** surface is encrusted in dirt and corroded.

According to the inventory logs, AOP received **Uma Parvati M6113** at AOP and assigned it inventory number M6113 between May 8, 2008 and June 13, 2008. That inventory lists **Uma Parvati M6113** as an "Uma," from the "Chola, 11<sup>th</sup> century." *See* Exhibit 32C. "5/8/08" and "6/13/08" are the nearest preceding and succeeding dates.

According to Informant #1, KAPOOR sent **Uma Parvati M6113** to Co-Conspirator SMITH in London for restoration.

I observed post-restoration photographs of **Uma Parvati M6113** that had been saved to one of the computers imaged at AOP. *See* Exhibit 32.

I observed a description of **Uma Parvati M6113** in AOP's March 2011 catalogue. *See* Exhibit 32D.

The information sheet for **Uma Parvati M6113** describes it as follows:

Uma-Parvati, M6113  
South India, Tamil Nadu  
Chola Period, 11<sup>th</sup> century  
Bronze  
Height: 32 3/8 inches (82 cm)  
Price: \$3,500,000.00 *See* Exhibit 32E.

According to letters from KAPOOR to Informant #1 dated November 3, 2011 and November 6, 2011, following KAPOOR's 2011 arrest in Germany, KAPOOR ordered Informant #1 to "give back 4 items to Selina [Mohamed] bronze dancers which are in the 4 closets" and "4 Dancers Bronze in 4 Closets = 2 pair of Nataraj & Conserts." *See* Exhibits

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32F and 32G. According to Informant #1, before the search warrant execution on January 5, 2012, Informant #1 and Co-Conspirators MOHAMED and SAREEN sent almost every Tamil Nadu bronze statue stored at AOP to MOHAMED's apartment to conceal them from authorities. According to Informant #1, **Uma Parvati M6113** was amongst those items removed from AOP and given to Co-Conspirator MOHAMED. Following the search warrant execution on January 5, 2012, MOHAMED refused to keep the bronzes at her apartment. Co-Conspirator SAREEN then said she would take the pieces to a safe location. Informant #1 knows from conversations with Co-Conspirators MOHAMED and SAREEN that Co-Conspirator MOHAMED gave the pieces to Co-Conspirator SAREEN. According to Informant #1, Informant #1 has not seen **Uma Parvati M6113** or the other hidden pieces since providing them to MOHAMED. They are still unrecovered.

*Shivagami Amman M6118* (Exhibit 33)

On the Puli CD, I observed several digital photographs of **Shivagami Amman M6118**, one of which is attached as Exhibit 33B. In those photographs, **Shivagami Amman M6118's** surface is encrusted in dirt and corroded. See Exhibit 33B.

According to the inventory log, AOP received **Shivagami Amman M6118** and assigned it inventory number M6118 between May 8, 2008 and June 13, 2008. That inventory lists **Shivagami Amman M6118** as a "Parvati with Straight Arm" from "Chola, 12<sup>th</sup> century." See Exhibit 32C. "5/8/08" and "6/13/08" are the nearest preceding and succeeding listed dates.

According to Informant #1, KAPOOR sent **Shivagami Amman M6118** to Co-Conspirator SMITH in London for restoration.

I also observed post-restoration photographs of **Shivagami Amman M6118** that had been saved to one of the AOP computers. See Exhibit 31.

The information sheet for **Shivagami Amman M6118** describes the piece as follows:

Parvati  
South India, Tamil Nadu  
Late Chola Period, 13th century  
Copper alloy  
Height: 26 inches (66 cm) See Exhibit 33C.

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According to a price list observed on one of the imaged computers, **Shivagami Amman M6118** is worth \$1,750,000. *See* Exhibit 33D, line no. 14.

Like **Uma Parvati M6113**, I am informed by Informant #1 that Informant #1 also removed **Shivagami Amman M6118** from AOP per KAPOOR's instructions; it was ultimately concealed by Co-Conspirator SAREEN. Its current whereabouts are unknown.

*Shiva Nataraja M6119* (Exhibit 34)

On the Puli CD, I observed three digital photographs of **Shiva Nataraja M6119**. *See* Exhibits 34B, 34C, and 34D. In those photographs, **Shiva Nataraja M6119's** surface appears to be encrusted in dust and corroded. In Exhibit 34B, some sort of straw or packing material is stuck to the left side of **Shiva Nataraja M6119**.

According to the inventory log, AOP received **Shiva Nataraja M6119** and assigned it inventory number M6119 between May 8, 2008 and June 13, 2008. That inventory lists **Shiva Nataraja M6119** as a "Nataraja" from the "Chola 12<sup>th</sup> century." *See* Exhibit 32C. "5/8/08" and "6/13/08" are the nearest preceding and succeeding recorded dates.

According to Informant #1, KAPOOR sent **Shiva Nataraja M6119** to Co-Conspirator SMITH in London for restoration.

I observed post-restoration photographs of **Shiva Nataraja M6119** on one of the imaged computers. *See* Exhibit 34.

The information sheet for **Shiva Nataraja M6119** describes it as follows:

Shiva as Nataraja, Lord of Dance, M6119  
South India, Tamil Nadu  
Chola Period, 12<sup>th</sup> century  
Bronze  
Dimensions: 42 ½ x 33 x 15 ¼ inches (108 x 84 x 38.7 cm)  
Price: \$3,500,000.00 *See* Exhibit 34E.

**Shiva Nataraja M6119** appears in AOP's March 2010 catalogue. *See* Exhibit 34F.

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(212) 335-9323

ADA Christopher Hirsch  
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I am informed by Informant #1 that, like **Uma Parvati M6113** and **Shivagami Amman M6118**, Informant #1 removed **Shiva Nataraja M6119** from AOP per KAPOOR's instructions; it was ultimately concealed by Co-Conspirator SAREEN. Its current whereabouts are unknown.

*Trisula* (Exhibit 35)

On the Puli CD, I observed two digital photographs of the **Trisula**. In those photographs, the **Trisula's** surface appears to be encrusted with dust and corroded. *See* Exhibits 35B and 35C.

According to the inventory log, AOP received the **Trisula** and assigned it inventory number M6122 between May 8, 2008 and June 13, 2008. That inventory lists the **Trisula** as a "Trident with Shiva Parvati," from the "Chola [period] 12<sup>th</sup> Century." *See* Exhibit 35D.

According to an invoice dated May 12, 2008, Co-Conspirator SMITH restored the **Trisula** for AOP for £957.80. *See* Exhibit 35E. Like in KAPOOR's inventory log, the invoice describes the **Trisula** as a "trident." *Id.*

I also observed post-restoration photographs of the **Trisula** that had been saved to one of the imaged computers. *See* Exhibit 35.

The information sheet for the **Trisula** describes it as follows:

Trisula, M6122  
South India, Tamil Nadu  
Vijayanagara Period, 15<sup>th</sup>–16<sup>th</sup> century  
Bronze  
Price: \$35,000.00 *See* Exhibit 35F.

On January 5, 2012, DHS-HSI seized the **Trisula** from AOP. *See* Exhibit 35G.

*Shivagami Amman M6148* (Exhibit 36)

On the Puli CD, I observed two digital photographs of **Shivagami Amman M6148**. In those photographs, **Shivagami Amman M6148's** surface appears to be covered in dust and corroded. *See* Exhibit 36B and 36C.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1, Co-Conspirator SMITH restored **Shivagami Amman M6148** for AOP.

According to the inventory, AOP received **Shivagami Amman M6148** and assigned it inventory number M6148 between July 8, 2008 and July 30, 2008. The inventory lists **Shivagami Amman M6148** as a "Parvati" from "S. India, Chola 12<sup>th</sup>-13<sup>th</sup> [century]," and "7/8/08" and "7/30/08" are the nearest preceding and succeeding dates. *See* Exhibit 36D.

On July 26, 2012, DHS-HSI seized **Shivagami Amman M6148** from Sofia Storage, unit 734. *See* Exhibit 36E.

"Puli"

The Puli CD also contained photographs of the following:

1. a bronze statue of a Shiva Nataraja ("**Shiva Nataraja M6114**"), dated to the 12<sup>th</sup> century, Chola Period, measuring approximately 35 ¼ inches in height, and valued at approximately \$5,000,000 (Exhibit 37);
2. a bronze statue of an Uma Parameshvari ("**Uma Parvati M6117**"), dated to the 12<sup>th</sup> century, Chola Period, measuring approximately 39 ¼ inches with the base, and valued at approximately \$2,500,000 (Exhibit 38); and
3. a bronze statue of a Peacock (the "**Mayil**"), dated to the 11<sup>th</sup> – 12<sup>th</sup> century, measuring approximately 12 ¼ inches by 17 inches, and valued at approximately \$175,000 (Exhibit 39).

Their appearance on this CD suggests that KAPOOR acquired them from ASOKAN in or around March 2008, and that—as will be demonstrated in the section discussing patrimony laws below—they were exported from India in violation of India's export laws.

*Shiva Nataraja M6114* (Exhibit 37)

I observed digital photographs of **Shiva Nataraja M6114** on the Puli CD, one which is attached as Exhibit 37A. That image shows **Shiva Nataraja M6114** covered in dust and corroded. It also appears to be placed against a similar white wall as the other antiquities appearing on the Puli CD. *See* Exhibit 37A.



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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1, Co-Conspirator SMITH restored **Shiva Nataraja M6114** for AOP.

According to the inventory, AOP received **Shiva Nataraja M6114** between May 8, 2008 and June 13, 2008. *See* Exhibit 37B. That inventory describes the piece as “Nataraja,” from the “Chola [period], 12<sup>th</sup> Century.” *Id.*

I also observed a post-restoration photograph of **Shiva Nataraja M6114** on one of the AOP computers. *See* Exhibit 37C.

**Shiva Nataraja M6114** appears in AOP’s March 2011 catalogue. *See* Exhibit 37D.

According to Informant #1, AOP **Shiva Nataraja M6114**’s value is approximately \$5,000,000.

**Shiva Nataraja M6114**’s current whereabouts are unknown.

*Uma Parvati M6117* (Exhibit 38)

Digital photographs of **Uma Parvati M6117** on the Puli CD, one of which is attached as Exhibit 38A, show it covered in encrustations and corroded. It also appears to be in the same room where the other Puli antiquities were photographed. *See* Exhibit 38A.

According to Informant #1, Co-Conspirator SMITH restored **Uma Parvati M6117** for AOP.

According to the inventory log, AOP received **Uma Parvati M6117** between May 8, 2008 and June 13, 2008. *See* Exhibit 37B. The inventory describes **Uma Parvati M6117** as a “Parvati with flexed arm and prabha, base,” and from the “Chola [period], 12<sup>th</sup> Century.” *Id.*

The **Uma Parvati M6117** appears in AOP’s March 2010 catalogue. *See* Exhibit 38B. The catalogue shows it alongside **Shiva Nataraja M6119**.

I recovered a post-restoration photograph of **Uma Parvati M6117** from a forensic image of an AOP computer. *See* Exhibit 38. I found the photograph in a folder that, according to Informant #1 and the digital file path, is designated to the NGA. Based on my experience

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with this investigation, I know this means KAPOOR offered **Uma Parvati M6117** to the NGA. I also recovered an information sheet for **Uma Parvati M6117** from that NGA folder.

The information sheet describes **Uma Parvati M6117** as follows:

Uma Parameshvari Shrine, M6117  
South India, Tamil Nadu  
Chola Period, 12<sup>th</sup> century  
Copper alloy  
Height: Figure 27  $\frac{3}{4}$  inches (70.5 cm); Complete Shrine: 40 inches (101.5 cm)  
Price: \$2,500,000.00 See Exhibit 38C.

*Mayil* (Exhibit 39)

Digital photographs of the **Mayil** on the Puli CD, one of which is attached as Exhibit 39A, show it covered in dust and corroded. See Exhibit 39A. It also appears to be in the same room where the other Puli antiquities were photographed. *Id.*

According to an invoice dated May 12, 2008, Co-Conspirator SMITH restored the **Mayil** for AOP. See Exhibit 39B. That invoice describes the **Mayil** as a "bronze peacock." *Id.*

According to the inventory, AOP received the **Mayil** and assigned it inventory number M6121 between May 8, 2008 and June 13, 2008. See Exhibit 39C. The inventory describes the piece as "Kartikaya Peacock," bronze, and from "Chola 11<sup>th</sup> – 12<sup>th</sup> Century." *Id.*

Exhibit 39 is a post-restoration photograph of the **Mayil** that had been saved to one of the computers. See Exhibit 39.

The inventory sheet for the **Mayil** describes it as follows:

Mayil, the Vahayana of Murugan, M6121  
South India, Tamil Nadu  
Chola Period, 11<sup>th</sup>–12<sup>th</sup> century  
Bronze  
Dimensions: 12  $\frac{1}{4}$  x 17 in (31.1 x 43.1 cm)  
Price: \$175,000.00 See Exhibit 39D.

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FELONY  
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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

On March 26, 2014, DHS-HSI recovered the **Mayil** from Cirkers Storage, unit 1202. *See* Exhibit 39E.

iv. The Yadav Network (India)

According to Informant #1, Chet Ram YADAV, a resident of Delhi, is a prolific source of illegal antiquities from Northern India. From 2005 until KAPOOR's arrest in 2011, YADAV smuggled illegal antiquities to KAPOOR in New York. YADAV claimed to have a relative who was employed by the Indian Government and who assisted YADAV in smuggling antiquities from India. According to Informant #1, YADAV and KAPOOR would set up temporary "burner" email accounts to discuss transactions and share images of illegal antiquities. After negotiations were completed, those accounts were disposed of; YADAV was paranoid that the Indian and United States authorities were monitoring his communications. According to Informant #1, YADAV last visited KAPOOR at AOP in or about 2009. According to Informant #1, YADAV also visits a cousin who lives in the United States. YADAV also supplies other dealers besides KAPOOR.

As will be discussed below, KAPOOR acquired the following illegal antiquities from YADAV: a red sandstone sculpture of Hanuman (Exhibit 40), a pillar from the Stupa of Bharhut (Exhibit 41), a sandstone Ganesha (Exhibit 42), a torso of a celestial figure (Exhibit 43), a sandstone torso of the god Vishnu (Exhibit 44), a sculpture of a dancing Ganesha (Exhibit 45), a sandstone sculpture of Apsara in the Salabhanjika pose (Exhibit 46), sculptures of a pair of Apsaras (Exhibits 47 and 47A), a sculpture of a divine couple (Exhibit 48), a sandstone sculpture of a celestial figure (Exhibit 49), a sandstone sculpture of Apsara with a lotus (Exhibit 50), and a sculpture of a celestial pulling a thorn from her foot (Exhibit 51).

*Sandstone Hanuman (Exhibit 40)*

From 2005 until 2012, KAPOOR knowingly possessed stolen property in New York in the form of a red sandstone sculpture of Hanuman, the monkey god, with its left hand held at chest level with the index finger pointing upwards (the "**Hanuman**"), dated to the 12<sup>th</sup> century, measuring approximately 34 inches x 39 inches, and valued at approximately \$225,000. *See* Exhibit 40.

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DEFENDANTS.

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(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1, prior to visiting KAPOOR at AOP, YADAV shipped the **Hanuman** to YADAV's cousin in Maryland or Delaware. In 2005, YADAV flew to the United States and drove the **Hanuman** from YADAV's cousin's house to AOP in New York. According to Informant #1, KAPOOR examined the **Hanuman** upon its arrival at AOP, and it was still unclean and unrestored after its recent theft. Dirtiness and lack of restoration typically indicates that an antiquity has recently been stolen. According to Informant #1, KAPOOR then agreed to purchase the **Hanuman** from YADAV for approximately \$30,000 or \$40,000—far less than KAPOOR would later value it.

According to the inventory log, AOP received the **Hanuman** and assigned it inventory number M5357 on or about November 16, 2005. That inventory lists the **Hanuman** as a "Torso with Dagger" from "Madhya Pradesh, 11<sup>th</sup> century," and "11/16/05" is written at the top of the page. *See* Exhibit 40A.

The information sheet for the **Hanuman** describes it as follows:

Hanuman, M5357

Central India, Madhya Pradesh, 12<sup>th</sup> century

Reddish sandstone

Dimensions: 34 x 29 inches (86.4 x 73.7 cm) *See* Exhibit 40B.

By November 22, 2005, the **Hanuman** had been cleaned and restored. I recovered a digital folder titled "Camera New" from one of the imaged computers. That folder contains a subfolder titled "051122" that contains four post-restoration photographs of the **Hanuman**, one of which is attached as Exhibit 40C. According to Informant #1, "051122" refers to November 22, 2005. Thus, this photograph must have been taken on or before that date.

The **Hanuman** is published in a 2006 AOP catalogue. *See* Exhibit 40D.

I also recovered a price list from the seized digital material that states the **Hanuman's** sales value as \$225,000. *See* Exhibit 40E. As discussed above, KAPOOR acquired the **Hanuman** for \$30,000 or \$40,000. Such a low acquisition price in comparison to such a high retail value is an indicator of theft, because legal antiquities with true provenance are not normally acquired drastically under market value.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

On July 26, 2012, DHS-HSI seized the **Hanuman** from Sofia Storage, unit 535. *See* Exhibit 40F.

*Bharhut Stupa Pillar* (Exhibit 41)

From approximately 2006 until January 2012, KAPOOR possessed stolen property in New York County in the form of a sandstone sculpture depicting “Mahakoka Devata” or “Yakshi”—a female earth spirit and symbol of fertility for the Hindu, Buddhist, and Jain faiths (the “**Bharhut Pillar**”), dated to the 2<sup>nd</sup> century B.C.E., measuring approximately 84 inches in height, and valued at approximately \$15,000,000. *See* Exhibit 41. As will be discussed below, the **Bharhut Pillar** was stolen from the home of Ram Lakhan Singh in Pataora, India.

The **Bharhut Pillar** once formed part of a 2<sup>nd</sup> century B.C.E. stupa—a mound-like hemispherical structure for housing relics and meditation—in the village of Bharhut in Madhya Pradesh, India (the “Bharhut Stupa”). Alexander Cunningham excavated the Bharhut Stupa in 1874. In 1879, Cunningham published the book “The Stupa of Bharhut,” that states that at some point before 1879, a Mahakoka Devata<sup>20</sup> from the Bharhut Stupa had been relocated to “Pathora, inside the temple.” DHS-HSI seized a copy of that book from AOP on January 5, 2012. *See* Exhibit 41A at pg. 22 ft. 4. As discussed below, subsequently, the ancestors of Ram Lakhan Singh, a resident of Paetora (Pathora) acquired the **Bharhut Pillar**.

On January 31, 1977, Ram Lakhan Singh registered the **Bharhut Pillar** with the Republic of India under India’s Antiquities Act of 1973. According to the application for that registration, Singh received the **Bharhut Pillar** from his ancestors. *See* Exhibit 41B. According to a Certificate of Registration of Antiquities issued to Singh, at the time of registration the **Bharhut Pillar** was located “[i]n the applicant’s house.” *See* Exhibit 41C.

According to a police report filed on July 19, 2004, earlier that day unidentified thieves entered Singh’s home in Pataora and removed the **Bharhut Pillar**. *See* Exhibit 41D. On July 23, 2012, I received a copy of that police report with two pre-theft photographs of the **Bharhut Pillar** attached. In those photographs, the **Bharhut Pillar** is in one piece.

<sup>20</sup> A Mahakoka Devata is a female guardian and the head devata of the figures in a stupa (in this case, the Bharhut Stupa).

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(212) 335-9323

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(212) 335-9175

According to Informant #1, YADAV sold the **Bharhut Pillar** to KAPOOR in or about 2005.

According to Informant #1 and as corroborated by images recovered from the imaged computers, the **Bharhut Pillar** was cleanly broken into four pieces and illegally shipped to New York. In those images, the **Bharhut Pillar** appears to be neatly broken at the neck, the hips, and the feet. *See* Exhibit 41E. As stated above, smugglers often break large antiquities into multiple smaller pieces, because smaller pieces are easier to conceal and package. Moreover, customs officials are less likely to recognize the cultural significance and value of a small part of a statue—easing transport across international borders. According to the metadata of Exhibit 41E, that photograph was “taken” on February 20, 2006. This date represents either the date the photograph was taken or the date the image was uploaded to a computer. According to the file’s metadata, Quick Time is the program used to “take” the photograph. Since Quick Time is a computer program used for viewing photographs and video and not used in cameras, I believe it was uploaded to a computer on February 20, 2006.

Between KAPOOR’s purchase of the **Bharhut Pillar** and June 8, 2006, Co-Conspirator SALMON restored the **Bharhut Pillar**. According to an invoice from Co-Conspirator SALMON and recovered from KAPOOR’s office or storage locations, on or about May 2, 2006, Co-Conspirator SALMON charged \$11,500.00 “[t]o drill dowel and piece together seven foot tall Shunga Yakshi [ from 4sections ].” *See* Exhibit 41F. In the “Camera New” folder discussed above I observed a subfolder titled “Yakshi.” That folder contains an image of Co-Conspirator SALMON next to the now one-piece and partially restored **Bharhut Pillar** in what appears to be Co-Conspirator SALMON’s Brooklyn, NY studio. *See* Exhibit 41G. Post-restoration photographs of the cleaned and restored **Bharhut Pillar** also appear in a subfolder of “Camera New” titled “060608,” for June 8, 2006. *See* Exhibit 41H. Thus, Co-Conspirator SALMON’s **Bharhut Pillar** restorations were complete by June 8, 2006.

According to the inventory log, AOP received the **Bharhut Pillar** and assigned it inventory number M5648 between July 13 and July 28, 2006. The inventory lists the **Bharhut Pillar** as a “Baruth Yakshi.” “7/13/06” is written at the top of the page and “7/28/06” is written immediately below the entry for the **Bharhut Pillar**. *See* Exhibit 41I.

According to Informant #1, following its restoration, Dr. Vidhya Dehejia, a Professor of Indian Art at Columbia University in New York, examined the **Bharhut Pillar** at AOP and provided KAPOOR with translations of the inscriptions on the **Bharhut Pillar** that identify

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(212) 335-9323

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it as "Mahakoka Devata," and a "[g]ift of Parikaya Culandhaka from Bhatudesa." *See* Exhibit 41J.

The information sheet describes the **Bharhut Pillar** as follows:

Mahakoka Devata M5648  
Central India, Madhya Pradesh, Bharhut Stupa  
Shunga Period, 2<sup>nd</sup> century BCE  
Sandstone  
Height: 84 inches (213 cm)  
Price: \$15,000,000.00 *See* Exhibit 41K.

That information sheet further describes the **Bharhut Pillar** as of "pivotal importance to the understanding of the Barhut stupa," suggesting that KAPOOR knew the origin of the **Bharhut Pillar** and should have known its removal was illegal. *See* Exhibit 41K. As mentioned above, AOP possessed a copy of Cunningham's 1879 book "The Stupa of Bharhut," which states that a Mahakoka Devata was removed from the Bharhut Stupa and was in Pathora.

I am informed by Informant #1 that on or about December 1, 2007, KAPOOR instructed Informant #1 to create a fictitious letter of ownership for the **Bharhut Pillar**. That letter was back-dated to October 1, 2003, and purportedly signed by Co-Conspirator MEHGOUB; it states that MEHGOUB's husband purchased the **Bharhut Pillar** between 1968 and 1971. *See* Exhibit 41L. As discussed above and according to Informant #1, Co-Conspirator MEHGOUB has been KAPOOR's associate for more than thirty years; in exchange for money, MEHGOUB regularly supplied KAPOOR with false provenance for artifacts that MEHGOUB knew to be stolen and/or illegally smuggled out of their countries of origin. I examined this letter and observed that MEHGOUB's name is spelled alternately as "Mehgoob" and "Mehgoub."

KAPOOR also created a fraudulent purchase invoice to support the alleged sale to Abdulla Mehgoub. That invoice is dated August 12, 1968, and typed on Uttam Singh and Sons letterhead. According to that invoice, Uttam Singh & Sons sold the **Bharhut Pillar** to Abdulla Mehgoub for "2,000000" Rupees. *See* Exhibit 41M. As discussed above, KAPOOR created fraudulent purchase invoices using an old typewriter and blank letterhead from various

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

companies including Uttam Singh & Sons to support the false provenances provided by KAPOOR's co-conspirators. I recovered a stack of blank Uttam Singh & Sons letterhead and an old typewriter of the type used to create the August 12, 1968, invoice from KAPOOR's storage space at Cirkers Storage, unit 1202, on March 26, 2014.

As stated above, misrepresenting the true provenance of a stolen antiquity is essential when introducing it to the market, because false provenance prevents the items from being easily traced. False provenance often includes falsified ownership records that predate the patrimony laws of the object's country of origin or disguise the object's true country of origin, thereby frustrating efforts to determine the object's true history.

In or about 2006, KAPOOR met with Private Collector #1 at AOP and offered to sell Private Collector #1 the **Bharhut Pillar**. According to Informant #1, a witness to the meeting, KAPOOR told Private Collector #1 that if Private Collector #1 bought the sculpture, Private Collector #1 could take it back to India where Private Collector #1 would be regarded as a "hero" for returning such an important piece of Indian cultural property.

On October 25, 2011, Informant #2 met with KAPOOR. According to Informant #2, during that meeting KAPOOR stated that KAPOOR bought the **Bharhut Pillar** eight years' prior from "people who didn't know what they had," 360 miles from Calcutta, India. KAPOOR also stated that KAPOOR would not publish the piece immediately, because this would create too much "chatter," and that KAPOOR needed to wait for the right time and place.

On January 5, 2012, I seized the **Bharhut Pillar** from Sofia Storage, unit 736.

*Stone Ganesha (Exhibit 42)*

As will be discussed below, from approximately 2005 until 2012, KAPOOR knowingly possessed stolen property in New York County in the form of a sandstone Ganesha (the "**Stone Ganesha**"), dated to the 10<sup>th</sup> century, measuring approximately 35 inches by 22 inches by 9 inches, and valued at approximately \$500,000. *See Exhibit 42.*



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I observed a digitized photograph of the **Stone Ganesha** on one of the CDs seized from KAPOOR's office or storage locations. The photograph, titled "pics-3," was saved in a folder with the following folder path: "DEALERS/INDIA/Jain/050221." In that image, the **Stone Ganesha** appears to be wet and has been placed on a cement floor against a discolored white wall and next to a doorway. *See* Exhibit 42A. It is common for smugglers to wet recently stolen antiquities to better display the details of those pieces to potential buyers. Again, this manner of photography is consistent with methods used to document stolen antiquities. According to Informant #1, JAIN is an India-based dealer who supplied KAPOOR with both licit and illegal antiquities from the early or mid-2000's until KAPOOR's arrest in 2011. According to the folder path, KAPOOR received this image from JAIN on or about February 21, 2005. The title of the image, "pics-3," corresponds to item number 3 on a Microsoft Word document saved in the "050221" subfolder that lists the size of pieces that appear in photographs in that subfolder. *See* Exhibit 42B. Item number 3, the **Stone Ganesha**, is listed as "NOT AVAILABLE." As will be discussed below, it is likely that the **Stone Ganesha** was not available, because JAIN had already sold it to YADAV.

On or after November 20, 2005, YADAV sold the **Stone Ganesha** to KAPOOR. I observed images of the **Stone Ganesha** in a folder on another disk seized from KAPOOR via the digital folder path "Yadav/051120," one of which is attached as Exhibit 42C. According to Informant #1, the "051120" folder contains images of objects that YADAV offered to KAPOOR on or about November 20, 2005. In those images, the **Stone Ganesha** appears to be clean and mostly dry, suggesting that the images were taken after the image from the Jain folder. Thus, JAIN likely sold the **Stone Ganesha** to YADAV, who in turn sold it to KAPOOR.

According to Informant #1, YADAV and his associates smuggled the **Stone Ganesha** from India to the United States.

According to the inventory log, AOP received the **Stone Ganesha** and assigned it inventory number M5440 on or about January 18, 2006. The inventory lists the **Stone Ganesha** as a "Dancing Ganesha" from "Northern India 9<sup>th</sup>-10<sup>th</sup> cent," and "1/18/06" is written in the right-hand margin. *See* Exhibit 42D.

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In or about February 2006, Co-Conspirator SALMON restored the **Stone Ganesha**. According to an invoice from Co-Conspirator SALMON to KAPOOR dated February 18, 2006, Co-Conspirator SALMON charged KAPOOR \$1,500 for work on a "large medieval stone Ganesa to clean touch out scratches etc , make up missing weapon , improve patination and bring out colour of stone." See Exhibit 42E, no. 1. When Exhibit 42C—a pre-restoration photograph—is compared with Exhibit 42—a post-restoration photograph—it is evident that the ganesha described in this invoice is the subject **Stone Ganesha**, because the weapon in the **Stone Ganesha's** left hand is complete in the post-restoration photograph.

In September 2006, KAPOOR published the **Stone Ganesha** in an AOP catalogue. See Exhibit 42F.

According to a contract dated September 16, 2009, AOP agreed to lend the **Stone Ganesha** to the Pierre Hotel in New York from September 2009 until March 2010. See Exhibit 42G. According to the contract (Exhibit 42G) and a Certificate of Property Insurance issued to AOP for this loan on September 22, 2009, the **Stone Ganesha** is valued at \$500,000. See Exhibit 42H.

The loan period was extended and continued until October 15, 2012, when DHS-HSI and this Office seized the **Stone Ganesha** from the Pierre Hotel. See Exhibit 42I. It remains in DHS-HSI custody.

*Torso of a Celestial Figure (Exhibit 43)*

From approximately 2006 until approximately 2007, KAPOOR possessed stolen property in New York County in the form of a sandstone torso of a Celestial figure (the "**Torso of a Celestial Figure**"), dated to the 11<sup>th</sup> century, measuring approximately 18.5 inches in height, and valued at approximately \$75,000. See Exhibit 43.

On or after October 25, 2006, YADAV sold the stolen **Torso of a Celestial Figure** to KAPOOR. In the "Yadav" folder discussed above, I observed a subfolder titled "061025." According to Informant #1, this subfolder contains images and documents pertaining to illegal antiquities that YADAV offered to KAPOOR on or about October 25, 2006. Five images of the recently stolen and unclear **Torso of a Celestial**, one of which is attached as Exhibit 43A, appear on this disk.

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In those images, the **Torso of a Celestial Figure** appears to have been placed against a white sheet to obscure the background and is unclean and unrestored. *See* Exhibit 43A. These photographs are consistent with those taken by smugglers whereby they obscure the location of stolen relics by obscuring the background of the photograph. The **Torso of a Celestial Figure** also appears to have been recently doused with water. It is common for smugglers to wet recently stolen antiquities to better display the details of those pieces to potential buyers.

According to the inventory log, AOP received the **Torso of a Celestial Figure** and assigned it inventory number M5804 between November 6, 2006 and December 26, 2006. That inventory lists the **Torso of a Celestial Figure** as a “Celestial Figure Torso” from “Madhaya Pradesh, 11<sup>th</sup> century.” “11/06/06” is written on the preceding page and “12/26/06” is written by the entry for M5809. *See* Exhibit 43B.

AOP also photographed the **Torso of a Celestial Figure** before sending it to Co-Conspirator SALMON for restoration in February 2007. In that photograph, the **Torso of a Celestial Figure** is sitting on a wooden floor and leaning against a wooden cabinet. *See* Exhibit 43C. According to Informant #1, that photograph was taken at AOP when the piece arrived. I also know this image was taken at AOP, because I have visited AOP and observed similar architectural features.

In or about February 2007, KAPOOR sent the **Torso of a Celestial Figure** to Co-Conspirator SALMON. I recovered that photograph from an imaged computer via the digital folder path “Restorers/Salmon/070208/M5804.” The “070208” folder contains images of objects sent to Co-Conspirator SALMON on or about February 8, 2007. According to an invoice from Co-Conspirator SALMON to KAPOOR dated March 9, 2007, Co-Conspirator SALMON charged KAPOOR \$2,600 to “[t]o make up the missing section arm and elbow , to make up the missing bun of hair. And also the nose and parts of mouth, to fill in two large holes either side of mouth . To clean hard and heavy encrustation on the back revealing very attractive stone , and to pick out the details with ancient earth .” *See* Exhibit 43D, no. 4.

By May 16, 2007, the **Torso of a Celestial Figure’s** restoration was complete. I observed an image titled “M5804c” on an AOP computer. *See* Exhibit 43. In that image, the **Torso of a Celestial Figure** is fully restored and clean. According to its metadata, that image was uploaded on May 16, 2007. When Exhibit 43C—the pre-restoration photograph—is compared with Exhibit 43—a post-restoration photograph—it is evident that the subject

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

**Torso of a Celestial Figure** in Exhibit 43 displays the changes described in the March 9, 2007 invoice.

On or about May 14, 2007, KAPOOR consigned the **Torso of a Celestial Figure** to Co-Conspirator PUNUSAMY's Singapore gallery, Jazmin Asian Art. I am informed by Informant #1 that, to facilitate this consignment, Informant #1 created a document titled "tombstones" that I recovered from the imaged computers via the digital folder path "DEALERS/INTRNAT"/Jasmin Art/070514/tombstones." See Exhibit 43E. According to that document, AOP valued the **Torso of a Celestial Figure** at \$75,000. Based on its folder path, I know Exhibit 43E lists objects consigned and sent to Co-Conspirator PUNUSAMY on or about May 14, 2007.

According to Informant #1, the **Torso of the Celestial Figure** never returned to AOP.

Kari Talai Thefts

As will be discussed below, KAPOOR knowingly possessed stolen property in New York in the form of nine antiquities stolen from the Vishnu Varaha Temple in Kari Talai, Madhya Pradesh, India:

1. a sandstone torso of the god Vishnu (the "**Torso of a Devata**"), measuring 31.5 inches in height, dated to approximately the 11<sup>th</sup> century, and valued at approximately \$450,000 (Exhibit 44);
2. a sculpture of a dancing Ganesha holding a vessel of sweets and a rosary (the "**Dancing Ganesha**"), dating to the 11<sup>th</sup>–12<sup>th</sup> century, measuring approximately 20 ½ inches, and valued at approximately \$75,000 (Exhibit 45);
3. a sculpture of a Salabhanjika, a young woman standing under a tree (the "**Salabhanjika**"), dated to the 11<sup>th</sup> century, measuring approximately 21 inches in height, and valued at approximately \$155,000 (Exhibit 46);
4. sculptures of a pair of Celestial Apsaras (the "**Pair of Apsaras**"), dated to the 11<sup>th</sup> century, measuring approximately 27 inches in height, and valued at approximately \$95,000 each (Exhibits 47 and 47A);

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

5. a sculpture of a divine, loving couple (a mithuna) (the “**Divine Couple**”), locked for eternity in an amorous embrace, dated to the 11<sup>th</sup> century, measuring approximately 24 x 14 inches, and valued at approximately \$75,000 (Exhibit 48);
6. a sandstone sculpture of a celestial figure (the “**Celestial Figure**”), dated to the 11<sup>th</sup> century, measuring approximately 22.5 inches in height, and valued at approximately \$75,000 (Exhibit 49);
7. a sandstone sculpture of a celestial lady holding a lotus stem (the “**Apsara with Lotus**”), dated to the 11<sup>th</sup>–12<sup>th</sup> century, measuring approximately 25 inches by 10 inches by 5 inches, and valued at approximately \$75,000 (Exhibit 50); and
8. a sandstone sculpture of an Apsara plucking a thorn from her foot (the “**Celestial Pulling Thorn**”), dated to the 11<sup>th</sup> century, measuring approximately 18 ½ inches in height, and valued at approximately \$225,000 (Exhibit 51).

According to a series of alerts issued by the website [www.plunderedpast.in](http://www.plunderedpast.in) (“Plundered Past”),<sup>21</sup> during the night of August 16–17, 2006, the above antiquities were stolen from the Vishnu Varaha Temple in the village of Kari Talai in Madhya Pradesh, India. Kari Talai is protected under the Archaeological Survey of India (the “ASI”). That theft was reported to the Vijayraghavgarh police station on August 17, 2006.<sup>22</sup> Those antiquities are identified in a series of “text alerts” issued by Plundered Past. *See* Exhibits 44A, 45A, 46A, 47B, 48A, 49A, 50A, and 51A. Prior to the theft, the ASI assigned each object recovered from the Vishnu Varaha Temple a Kari Talai (“KTI”) archaeological object or inventory number. The ASI maintains pre-theft photographs of all nine antiquities.

*Torso of a Devata* (Exhibit 44)

Immediately following the theft, the ASI and Indian authorities registered the **Torso of a Devata** on INTERPOL’s Works of Stolen Art Database with reference number 2006/44605-1.2. *See* Exhibit 44B.

<sup>21</sup> Plundered Past is a website updated by Kirit L. Mankodi that issues public alerts (“text alerts”) regarding antiquities that have been stolen and illegally removed from India.

<sup>22</sup> First Information Report no. 157/06.

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1 and digitized photographs seized from AOP, KAPOOR travelled to India in or about October 2006. During that trip, KAPOOR purchased illegal cultural property—including the subject **Torso of a Devata**—from YADAV.

In the “Yadav” folder I observed a subfolder titled “061004India.” According to Informant #1, this subfolder contains images and documents pertaining to illegal antiquities that KAPOOR acquired from YADAV on or about October 4, 2006, during KAPOOR’s visit to India. In that subfolder, I observed a digital image of three hard copy photographs titled “S 053.” See Exhibit 44C. The photograph furthest to the viewer’s right depicts the subject **Torso of a Devata**; it appears to be dirty and lying on the ground, propped on top of another object or a rock.<sup>23</sup> These factors indicate that an artifact was illegally removed from an excavation, archaeological site, or temple.

I observed that same image, Exhibit 44C, on an AOP computer via the digital folder path “travel/0610 India Asia/061017 053.” The file name suggests that it was saved to a computer on October 17, 2006. According to Informant #1, KAPOOR took the image of the three photographs—Exhibit 44C—during KAPOOR’s October 2006 trip to India.

According to the inventory logs, AOP received the **Torso of a Devata** and assigned it inventory number M5796 on or about October 28, 2006. That inventory lists the **Torso of a Devata** as a “Torso of a Celestial” from “Central India, 11<sup>th</sup> cent,” and “10/28/06” is written by the preceding entry. See Exhibit 44D.

When AOP received the **Torso of a Devata** in October 2006, it still exhibited signs of its recent theft. In a subfolder of the “Camera New” folder titled “061019,” I observed an image titled “M5796.” See Exhibit 44E. In that image, the **Torso of a Devata** is unclean and unrestored and is lying on a wooden floor. According to Informant #1, that photograph was taken when it first arrived at AOP in 2006. The metadata of “M5796” and the digital folder path suggest that the digital file was created in October 2006.

In or about December 2006, AOP commissioned Co-Conspirator SALMON to restore the **Torso of a Devata**. I analyzed a folder titled “Salmon” and a subfolder titled “061219” on the forensic computer images. In that subfolder, I observed an image titled

<sup>23</sup> Another object stolen from the Vishnu Varaha Temple, a dancing Ganesha included as the next count of this complaint, appears in the central photograph in this image.

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"009\_CIMG0411" that shows the **Torso of a Devata** still unclean and unrestored on the floor of what appears to be Co-Conspirator SALMON's studio in Brooklyn, NY. *See* Exhibit 44F. "Salmon" refers to Co-Conspirator SALMON and "061219" refers to December 19, 2006, suggesting that the **Torso of a Devata** arrived on that date. On January 31, 2007, Co-Conspirator SALMON wrote KAPOOR a letter listing all of KAPOOR's objects currently at Co-Conspirator SALMON's Brooklyn studio. I believe the **Torso of a Devata** to be item number 15, a "[h]eavily jeweled large stone torso." *See* Exhibit 44G, no. 15. According to an invoice dated February 8, 2007, Co-Conspirator SALMON charged AOP \$1550 for the restoration of item number 15. *See* Exhibit 44H.

According to Informant #1, KAPOOR instructed Informant #1 to create a false ownership record for the **Torso of a Devata**. According to a letter allegedly signed by Co-Conspirator MOHAMED and dated July 7, 2005, Co-Conspirator MOHAMED's parents acquired the **Torso of a Devata** in the 1960's, and Co-Conspirator MOHAMED received it from them in 1990. *See* Exhibit 44I. Co-Conspirator MOHAMED also falsely states that the **Torso of a Devata** is from Uttar Pradesh in North India. This letter is undoubtedly fraudulent, because the **Torso of a Devata** was not stolen from the Vishnu Varaha Temple until August 2006, and thus Co-Conspirator MOHAMED's parents could not have acquired it in the 1960's. That letter was recovered from a CD seized from Sofia Storage, unit 734 on January 5, 2012.

AOP requested that the ALR search their database of lost and stolen art and artifacts to determine if the **Torso of a Devata** had been reported. On January 14, 2008, the ALR issued a certificate stating that the **Torso of a Devata** did not appear in the ALR database. *See* Exhibit 44J. According to that certificate, AOP did not provide any provenance information with this submission.

The information sheet for the **Torso of a Devata** describes it as follows:

Torso of a Devata, M5796  
North India, Uttar Pradesh, 11<sup>th</sup> century  
Sandstone  
Height: 31 ½ inches (80 cm)  
Price: \$450,000.00 *See* Exhibit 44K.

On July 26, 2012, DHS-HSI seized the **Torso of a Devata** from Sofia Storage, unit 734. *See* Exhibit 44.

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FELONY  
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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

*Dancing Ganesha* (Exhibit 45)

Prior to the **Dancing Ganesha's** theft, the ASI assigned the **Dancing Ganesha** object number KTI 100 and photographed it. *See* Exhibit 45B.<sup>24</sup>

A photograph of the **Dancing Ganesha** appears in the same digital image as the photograph of the unclean and unrestored **Torso of a Devata**—"S 053"—from the digital folder titled "Yadav," and in image "061017 053" from the imaged computers. *See* Exhibit 44C. In the central hardcopy photograph in Exhibit 44C, the **Dancing Ganesha** appears to be unclean and sitting on the floor. These factors indicate that an artifact was recently illegally removed from an excavation, archaeological site, or temple. As stated above and according to Informant #1, the image of the three photographs was taken by KAPOOR during KAPOOR's October 2006 trip to India. Thus, and according to Informant #1, KAPOOR purchased the **Dancing Ganesha** from YADAV during that trip.

According to the inventory log, AOP received the **Dancing Ganesha** and assigned it inventory number M5797 on or about October 28, 2006. That inventory lists the **Dancing Ganesha** as a "Dancing Ganesha" from "Madya Pradesh 11<sup>th</sup>–12<sup>th</sup> [century]" and "10/28/06" is written two entries above. *See* Exhibit 45C. AOP also photographed the **Dancing Ganesha** upon its arrival. In a forensic image of an AOP computer, I observed an image titled "M5797" that is accessed by the digital folder path "Camera New/061019/M5797." *See* Exhibit 45D. In that image, the unrestored **Dancing Ganesha** appears to be leaning against wooden cabinets. According to Informant #1, that photograph was taken when the **Dancing Ganesha** first arrived at AOP in 2006. The metadata of that image and the digital folder path suggest that the file was created in October 2006.

On or about October 30, 2006, AOP sent the **Dancing Ganesha** to Co-Conspirator SALMON for restoration. Exhibit 45D, image "M5797," also appears on an AOP computer via folder path "Services/Restorers/Salmon/061030." According to Informant #1, the "061030" folder contains images of objects that AOP sent to Co-Conspirator SALMON on or about October 30, 2006.

<sup>24</sup> The ASI provided the original image to Plundered Past. Exhibit 45B was extracted from the Plundered Past text alert (Exhibit 45A). It is not a scan of the original photograph.



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(212) 335-9323

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By December 2006, Co-Conspirator SALMON had received the **Dancing Ganesha**. I analyzed a digital image titled "010\_CIMG0412" on one of the imaged computers that is accessed by the digital folder path "Services/Restorers/Salmon/061219\_files." That image is a photograph of the **Dancing Ganesha** in what appears to be Co-Conspirator SALMON's studio in Brooklyn, NY. *See* Exhibit 45E. The metadata of that photograph suggests that the digital file was created on October 20, 2006. The folder name "061219" suggests that the image was saved on December 19, 2006. Thus, the photograph must have been taken on or before December 19, 2006.

Moreover, the **Dancing Ganesha** appears on the letter from Co-Conspirator SALMON to KAPOOR dated January 31, 2007, that describes KAPOOR's objects currently at the Brooklyn studio. The **Dancing Ganesha** as item number 20: a "dancing Ganesa." *See* Exhibit 44G, no. 20. According to the invoice dated February 8, 2007, Co-Conspirator SALMON charged AOP \$900 for the restoration of item number 20. *See* Exhibit 44H, no. 20. According to Informant #1, item number 20 is the subject **Dancing Ganesha**.

As discussed below, in August 2008, AOP sold the **Dancing Ganesha** to Lotus Gallery—the gallery owned and operated by the BUTTS and used by KAPOOR and the BUTTS to buy and sell illegal antiquities in Hong Kong. I recovered a customs invoice for this sale from an AOP computer via the digital folder path "DEALERS/INTRNAT"/Lotus gallery/Sold/080813cu." *See* Exhibit 45F. That invoice, dated August 13, 2008, states that AOP sold "27 Indian Stone Sculptures" to Rawaice Al Lotus Hong Kong Ltd. According to Informant #1, the **Dancing Ganesha** was included in the sale documented by this customs invoice.<sup>25</sup> In addition, I observed a post-restoration photograph of the **Dancing Ganesha** on an imaged computer via the folder path "DEALERS/INTRNAT"/Lotus gallery/Sold/080812/stone sculpture/67." *See* Exhibit 45. In that photograph, the **Dancing Ganesha** appears to be clean, restored, and ready for sale. According to Informant #1, KAPOOR arranged this sale with Zeeshan BUTT. Also according to Informant #1, the **Dancing Ganesha** is valued at approximately \$75,000.

<sup>25</sup> I recovered that invoice, Exhibit 45F, as a Microsoft Word document. Thus, it is not signed. I am informed by Informant #1 that the sale did occur and that the sale did include the **Dancing Ganesha**.

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

*Salabhanjika* (Exhibit 46)

Prior to the **Salabhanjika's** theft, the ASI assigned the **Salabhanjika** object number KTI 99 and photographed it. *See* Exhibit 46B.<sup>26</sup>

According to Informant #1, YADAV sold the **Salabhanjika** to KAPOOR.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received the following pieces on or about September 22, 2006:

One "STONE SHIV PARVATI STANDING RED SPOTTED 24[inches]"

Two "STONE LADY STANDING 27[inches]"

One "STONE LADY BUST 20[inches]" *See* Exhibit 46C.

The invoice attached to the shipping paperwork lists the sender as Uttam Singh & Sons. Based on my familiarity with this investigation, I believe the "STONE LADY BUST" is the **Salabhanjika**. *See* Exhibit 46C.

According to the inventory logs, AOP assigned the **Salabhanjika** inventory number M5783. That inventory lists the **Salabhanjika** as an "Apsara" from "Uttar Pradesh, 11<sup>th</sup> century." *See* Exhibit 46D.

AOP photographed the **Salabhanjika** upon its arrival at AOP in September 2006. That photograph appears on an AOP computer via the folder path "Camera New/060926/M5783." *See* Exhibit 46E. In that photograph, the **Salabhanjika** appears to be laying on the same wood floor as other photographs known to have been taken at AOP, and its surface is unclean. The metadata of that photograph indicates it was modified September 26, 2006; in addition, the folder name "060926" refers to September 26, 2006. Thus, the image was saved on or about that date.

As discussed below, in September 2006, AOP sent the **Salabhanjika** to Co-Conspirator SALMON for restoration. A copy of Exhibit 46E, digital image "M5783," appeared on an

<sup>26</sup> The ASI provided the original image to Plundered Past. Exhibit 46B was extracted from the Plundered Past text alert (Exhibit 46A). It is not a scan of the original photograph.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

AOP computer via the folder path "Services/Restorers/Salmon/060926-received." According to Informant #1, this folder contains images of works that were sent to Co-Conspirator SALMON on or about September 26, 2006. According to an invoice from Co-Conspirator SALMON to KAPOOR dated October 9, 2006, Co-Conspirator SALMON charged KAPOOR \$850 for work on a "[s]inuuous large breasted yaksi." The invoice described the following restoration work: "make up missing nose and eyebrow , touch out large discoloration to belly , pick out detail , enhance colour of stone." *See* Exhibit 46F, no. 9. The pre-restoration photograph of the **Salabhanjika**, Exhibit 46E, shows clear discoloration to the **Salabhanjika's** belly. When Exhibit 46E is compared with Exhibit 46—a post-restoration photograph recovered from the computers imaged at AOP—it is clear that the restorations described in the invoice have been applied to the **Salabhanjika**, and that the invoice describes the subject piece.

By October 31, 2006, Co-Conspirator SALMON had completed that restoration. Within the folder path "Camera New/061031," I observed professional-quality, post-restoration photographs of the **Salabhanjika**, one of which is attached as Exhibit 46. *See* Exhibit 46. "061031" refers to October 21, 2006, and the metadata of these images states November 1, 2006, suggesting that they were taken on October 31, 2006, and uploaded on November 1, 2006.

The information sheet for the **Salabhanjika** describes it as follows:

Apsara Beneath Tree, M5783  
Northern India, Madhya Pradesh  
Chandella Period, 11<sup>th</sup> century  
Sandstone  
Height: 21 inches (53.3 cm)  
Price: \$155,000.00 *See* Exhibit 46G.

I found that information sheet on a computer imaged at AOP via the digital folder path "Museums\INT\SINGAPOR\061115\singapore new items\Medieval\Writeups\M5783." According to Informant #1, the "Singapore new items" folder contains images and documents pertaining to objects that KAPOOR offered to the ACM in Singapore on or about November 15, 2006. The ACM did not purchase the **Salabhanjika**.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

On March 26, 2014, DHS-HSI seized the **Salabhanjika** from Cirkers Storage, unit 1202. *See* Exhibit 46H.

*Pair of Apsaras* (Exhibit 47)

Prior to their theft, the ASI assigned the **Pair of Apsaras** object number KTI 347 and photographed them. The website "Plundered Past" published this photograph and discussed the thefts. *See* Exhibit 47C.<sup>27</sup> In Exhibit 47C it appears that the **Pair of Apsaras** were attached at the time this photograph was taken. As demonstrated below, the two Apsaras were later separated.<sup>28</sup>

According to Informant #1, YADAV sold the **Pair of Apsaras** to KAPOOR.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received the following pieces on or about September 22, 2006:

One "STONE SHIV PARVATI STANDING RED SPOTTED 24[inches]"

Two "STONE LADY STANDING 27[inches]"

One "STONE LADY BUST 20[inches]" *See* Exhibit 46C.

The invoice attached to the shipping paperwork lists the sender as Uttam Singh & Sons. Based on my familiarity with this investigation, I believe the two, 27 inch, "STONE LADIES STANDING" are the **Pair of Apsaras**. *See* Exhibit 46C.

According to the inventory logs, AOP assigned the **Pair of Apsaras** inventory numbers M5784 and M5785. The inventory lists each statue as an "Apsara" from "Uttar Pradesh, 11<sup>th</sup> century." *See* Exhibit 46D. The listings differ only in that **Apsara M5784** is listed as being 27 inches in height and **Apsara M5785** is listed as being 27.5 inches in height.

AOP photographed the **Pair of Apsaras**, which by now had been separated, upon their arrival in or about September 2006. Their digital photographs appear on a computer imaged

<sup>27</sup> The ASI provided the original image to Plundered Past. Exhibit 47C was extracted from the Plundered Past text alert (Exhibit 47B). It is not a scan of the original photograph.

<sup>28</sup> When referenced individually, the sculptures in the **Pair of Apsaras** will be titled **Apsara M5784** and **Apsara M5785**.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

at AOP via the folder path "Camera New/060926"; the images are titled "M5784 and "M5785" respectively. *See* Exhibits 47D and 47E. In the photographs, the statues are standing on the same wooden floor as appears in other photographs known to have been taken at AOP, and their surfaces are unclean. The metadata of each photograph indicates they were modified on September 26, 2006; in addition, the folder name "060926" refers to September 26, 2006. Thus, the images were saved on or about that date.

In September 2006, AOP sent the **Pair of Apsaras** to Co-Conspirator SALMON for restoration. The same digital images AOP took upon the **Pair of Apsaras'** arrival (Exhibits 47D and 47E) were also saved on an imaged computer via the folder path "Services/Restorers/Salmon/060926-received." According to Informant #1, this folder contains images of works that AOP sent to Co-Conspirator SALMON on or about September 26, 2006.

According to an invoice from Co-Conspirator SALMON to KAPOOR dated October 9, 2006, Co-Conspirator SALMON charged KAPOOR \$850 each to restore a "[r]ed sandstone yaksi 1" and a "[r]ed yaksi 2." *See* Exhibit 46F, nos. 7 and 8. Co-Conspirator SALMON described the following restoration for "yaksi 1": "to clean , touch out chips and new breaks to make up section of breast and mostof right leg , to pick out fine detail and enhance the colour of the stone." *See* Exhibit 46F, no. 7. SALMON described the following restoration work for "yaksi 2": "to clean overall touch out mass of new breaks , tone out paint marks make up nose and right lower leg , pick out details enhance colour of stone." *See* Exhibit 46F, no. 8. "New breaks" are an indication that an antiquity is stolen, because antiquities are often broken during unscientific excavations or during hasty removal from a temple, site, or museum.

I believe Co-Conspirator SALMON referenced **Apsara M5785** as "yaksi 1" and **Apsara M5784** as "yaksi 2." As seen in Exhibits 47D and 47E, both Apsaras were missing portions of their left leg; in comparison, however, **Apsara M5785's** right leg is missing far more than **Apsara M5784**. A close examination of the photographic record of **Apsara M5785** shows that a large portion of its lower left leg was missing by the time AOP received it. *See* Exhibit 47E. This damage is also visible in Exhibit 47C. In that image, **Apsara M5785** appears in profile view to the left of **Apsara M5784**; the break to **Apsara M5785's** leg is visible at about knee level. As discussed above, in the invoice, Co-Conspirator SALMON describes restoring this leg. Finally, in a post-restoration photograph, Exhibit 47A, the leg is complete.

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FELONY  
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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

The information sheet describes the **Pair of Apsaras** as follows:

Pair of Celestial Apsaras, M5784, M5785  
Central India, Madhya Pradesh  
Medieval Period, 11<sup>th</sup> century  
Sandstone  
Dimensions: 27 x 8 ½ inches (68.5 x 21.5 cm)/ each See Exhibit 47F.

In 2007, AOP offered the **Pair of Apsaras** and various other pieces to Kamal Vijayvargiya, an antiquities dealer in Rajasthan and Japan. I recovered the information sheet, Exhibit 47F, and post-restoration photograph of both Apsaras from an AOP computer via the folder path "DEALERS\INTRNAT\Vijayvargiya\Sculptures 07." See Exhibits 47 and 47A. In addition, the folder contained a price list that lists the **Pair of Apsaras** as valued at \$95,000 each. See Exhibit 47G. According to Informant #1, KAPOOR sent the contents of this folder to Vijayvargiya to offer those contents to Vijayvargiya.

On July 26, 2012, DHS-HSI and DANY photographed the **Pair of Apsaras** at Sofia Storage, unit 733. They were not identified as stolen on that date and were not seized. Their current whereabouts are unknown.

*Divine Couple* (Exhibit 48)

Prior to the **Divine Couple's** theft, the ASI assigned the **Divine Couple** object number KTI 320 and photographed it. See Exhibit 48B.<sup>29</sup>

According to Informant #1, YADAV sold the **Divine Couple** to KAPOOR.

Shipping records recovered from KAPOOR's office or storage locations show that AOP received the following pieces on or about September 22, 2006:

One "STONE SHIV PARVATI STANDING RED SPOTTED 24""

Two "STONE LADY STANDING 27""

<sup>29</sup> The ASI provided the original image to Plundered Past. Exhibit 48B was extracted from the Plundered Past text alert (Exhibit 48A). It is not a scan of the original photograph.

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FELONY  
(ARREST WARRANT)

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

One "STONE LADY BUST 20"" *See* Exhibit 46C.

The invoice attached to the shipping paperwork lists the sender as Uttam Singh & Sons. Based on my familiarity with this investigation, I believe the "STONE SHIV PARVATI STANDING RED SPOTTED" is the **Divine Couple** (Shiva and Parvati). *See* Exhibit 46C.

According to the inventory log, AOP assigned the **Divine Couple** inventory number M5786. That inventory lists the **Divine Couple** as a "Mithuna" from "Uttar Pradesh, 11<sup>th</sup> century." *See* Exhibit 46D.

AOP photographed the **Divine Couple** upon its arrival in or about September 2006. *See* Exhibit 48C. In this photograph, the **Divine Couple** exhibits evidence of having recently been stolen. For instance, the **Divine Couple** appears to have encrustations on the surface, particularly around the legs. As stated above, this indicates an artifact was recently stolen from a temple or archaeological site. According to Informant #1, KAPOOR took that photograph when AOP received the **Divine Couple**. I found Exhibit 48C in a forensic image of an AOP computer via folder path "Camera New/060926." The folder's name "060926" suggests that this photograph was taken—and the **Divine Couple** was received—on or about September 26, 2006.

On or about September 26, 2006, AOP sent the **Divine Couple** to Co-Conspirator SALMON for restoration; according to Informant #1, KAPOOR wanted Co-Conspirator SALMON to remove evidence of the **Divine Couple's** recent theft and make it marketable. Exhibit 48C also appears on a forensic image of an AOP computer in the folder path "Services/Restorers/Salmon/060926-received." Thus, the **Divine Couple** was sent to Co-Conspirator SALMON on or about September 26, 2006, shortly after its arrival at AOP. According to the October 9, 2006 invoice, Co-Conspirator SALMON charged KAPOOR \$950 "to make up missing section of arm and hand , to pick out the details, bring up the colour of the stone" for a "[l]arge red sandstone couple." *See* Exhibit 46F, no. 15.

The information sheet for the **Divine Couple** describes it as follows:

Mithuna, M5786  
Central India, Madhya Pradesh  
Medieval Period, 11<sup>th</sup> century

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)

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FELONY  
(ARREST WARRANT)

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Dimensions: 24 x 14 inches (61 x 35.5 cm) *See* Exhibit 48D.

It appears that AOP offered to sell the **Divine Couple** to Kamal Vijayvarigiya. In the folder accessed by the digital folder path "Dealers/INTRNAT"/Vijayvargiya/Sculptures 07" and discussed above, I observed the information sheet for the **Divine Couple**, Exhibit 48D. I also observed a price list prepared by AOP that states the **Divine Couple** is valued at approximately \$75,000. *See* Exhibit 47G. This folder also contained a post-restoration photograph of the **Divine Couple**. *See* Exhibit 48. According to Informant #1, KAPOOR sent the contents of this folder to Vijayvarigiya to offer those contents to Vijayvarigiya.

On March 26, 2015, DHS-HSI seized the **Divine Couple** from Cirkers Storage, unit 1202. *See* Exhibit 48E.

*Celestial Figure* (Exhibit 49)

Prior to the theft, the ASI assigned the **Celestial Figure** object number KTI 264 and photographed it. *See* Exhibit 49B.<sup>30</sup> In that photograph, the **Celestial Figure** is missing the toe portion of its front (left) foot.

According to Informant #1, KAPOOR purchased the **Celestial Figure** from YADAV.

According to the inventory log, AOP received the **Celestial Figure** and assigned it inventory number M5805 in or about November 2006. The inventory lists the **Celestial Figure** as a "Celestial Figure" from "Madhaya Pradesh, 11<sup>th</sup> cent" and "11/06/06" is written on the preceding page. *See* Exhibit 43B.

The information sheet for the **Celestial Figure** describes it as follows:

Celestial Lady with Shawl, M5805

Northern India, Madhya Pradesh, 11<sup>th</sup>–12<sup>th</sup> century

Reddish sandstone

Dimensions: 22.5 x 7 ¾ x 5 ½ inches (57.1 x 19.7 x 14 cm) *See* Exhibit 49C.

<sup>30</sup> The ASI provided the original image to Plundered Past. Exhibit 49B was extracted from the Plundered Past text alert (Exhibit 49A). It is not a scan of the original photograph.



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As discussed below, AOP photographed the **Celestial Figure** upon its arrival in or about November 2006, and it still exhibited signs of having recently been stolen. *See* Exhibit 49D. In that photograph, the **Celestial Figure's** surface appears to be unclean and it is missing the toe portion of its front (left) foot. The **Celestial Figure** appears to be sitting on the same wooden floor as the aforementioned antiquities and is propped against a wooden cabinet. I know this image was taken at AOP, because I have visited AOP and observed these architectural features. I found this photograph on an AOP computer via the digital folder path "Camera New/061121." According to Informant #1, the subfolder name "061121" refers to November 21, 2006. Thus, the **Celestial Figure** still exhibited signs of its theft when it arrived in New York in or about November 2006.

In or about February 2007, AOP sent the **Celestial Figure** to Co-Conspirator SALMON for restoration. On the forensic image of an AOP computer, I found the same image of the unclean **Celestial Figure** discussed above (Exhibit 49D) under the digital folder path "Services/Restorers/Salmon/070208." The subfolder name "070208" refers to February 8, 2007. According to AOP's standard practice of labelling folders, that folder contains images of objects sent to Co-Conspirator SALMON on or about that date.

According to an invoice dated March 9, 2007, Co-Conspirator SALMON charged KAPOOR \$2250 "[t]o make up missing buttocks draped with beads , also to make up the forward foot , and the heel of the second foot." *See* Exhibit 43D, no. 2. Item number 2 of this invoice is undoubtedly the subject **Celestial Figure**. When Exhibit 49D—the pre-restoration photograph taken at AOP—is compared with Exhibit 49—a post-restoration photograph of the **Celestial Figure** recovered from an AOP computer—it is evident that the **Celestial Figure's** front (left) foot and back (right) heel have been restored.

On May 14, 2007, KAPOOR consigned the **Celestial Figure** to Co-Conspirator PUNUSAMY. According to Informant #1, Co-Conspirator PUNUSAMY regularly accepted illegal antiquities from KAPOOR through her Singapore business, Jazmin Asian Art. In the forensic image of an AOP computer, I found a "consignment list" under the digital folder path "DEALERS/INTRNAT"/Jasmin Art/070514." *See* Exhibit 49E. That consignment list is dated May 14, 2007, and the **Celestial Figure** is the last piece on the list; it's net price is listed as \$75,000. "070514" refers to May 14, 2007.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to Informant #1, under KAPOOR's direction, Informant #1 shipped the **Celestial Figure** to Co-Conspirator PUNUSAMY on or about May 16, 2007, via William Ng, Sun Ming Transportation Company Limited, Flat 03, Block B, 17/F, Kailey Industrial Centre, 12 Fung Yip Street, Chai Wan, Hong Kong. Co-Conspirator PUNUSAMY can be seen using Sun Ming Transportation in Hong Kong to ship and receive objects from AOP. I observed a customs invoice for that shipment on the forensic image of an AOP computer via the digital folder path "DEALERS/INTRNAT"/Jasmin Art/070516cu." See Exhibit 49F. That document lists the total value of four sandstone sculptures as only \$11,000. In arranging this consignment, however, Informant #1 created a document titled "tombstones" that I observed on the imaged computer via the folder path "DEALERS/INTRNAT"/Jasmin Art/070514." According to that document, the **Celestial Figure** alone is valued at \$75,000. See Exhibit 49G. According to the folder path, that document lists objects consigned and sent to Co-Conspirator PUNUSAMY on or about May 14, 2007.

Informant #1 does not recall the **Celestial Figure** returning to AOP. It's current whereabouts are unknown.

*Apsara with Lotus* (Exhibit 50)

Prior to the **Apsara with Lotus'** theft, the ASI assigned the **Apsara with Lotus** object number KTI 246 and photographed it. See Exhibit 50B.<sup>31</sup> In that photograph, the **Apsara with Lotus** appears damaged and discolored on its stomach, right arm, and right leg.

According to Informant #1, KAPOOR purchased the **Apsara with Lotus** from YADAV.

According to the inventory log, AOP received the **Apsara with Lotus** and assigned it inventory number M5806 in or about November 2006. That inventory lists the **Apsara with Lotus** as a "Celestial Figure" from "Madhaya Pradesh, 11<sup>th</sup> cent," and "11/06/06" is written on the preceding page. See Exhibit 43B.

The information sheet for the **Apsara with Lotus** describes it as follows:

Celestial Lady Holding Lotus Stem, M5806

<sup>31</sup> The ASI provided the original image to Plundered Past. Exhibit 50B was extracted from the Plundered Past text alert (Exhibit 50A). It is not a scan of the original photograph.

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(212) 335-9175

Northern India, Madhya Pradesh, 11<sup>th</sup>–12<sup>th</sup> century

Reddish sandstone

Dimensions: 25 x10 x 5 inches (63.5 x 25.3 x 12.7 cm) *See* Exhibit 49C.

According to Informant #1, AOP photographed the **Apsara with Lotus** upon its arrival in or about November 2006. *See* Exhibit 50C. In this photograph, the **Apsara with Lotus** exhibits signs of having recently been stolen. For instance, the **Apsara with Lotus** appears to be unclean and unrestored. That image is accessed by the digital folder path “Camera New/061121.” “061121” refers to November 21, 2006.

AOP sent the **Apsara with Lotus** to Co-Conspirator SALMON for restoration. On March 9, 2007, Co-Conspirator SALMON sent KAPOOR an invoice charging KAPOOR \$750.00 “[t]o rejoin broken section of backplate on third yakshi., filled and disguised repair . Brought up colour of stone.” *See* Exhibit 43D, no. 3. According to Informant #1, this listing refers to the subject **Apsara with Lotus**.

KAPOOR (or others at AOP at his direction) created a consignment list dated March 29, 2008, that details objects—including the **Apsara with Lotus**—that AOP agreed to consign to Tony Anninos, a California-based dealer of Asian art and antiques. According to that consignment list, the **Apsara with Lotus**’ net price is \$75,000. *See* Exhibit 50D. I recovered that consignment list as a Microsoft Word document from an AOP computer in the digital folder path “DEALERS/DEALERS/USA/Anninos.” Thus, AOP consigned or intended to consign the **Apsara with Lotus** to Anninos on or about March 27, 2008. It is unclear whether Anninos ever possessed the **Apsara with Lotus**.

On March 4, 2014, DHS-HSI seized the **Apsara with Lotus** from Public Storage, unit 2049. *See* Exhibit 50E.

*Celestial Pulling Thorn* (Exhibit 51)

Prior to the **Celestial Pulling Thorn**’s theft, the ASI assigned the **Celestial Pulling Thorn** object number KTI 258 and photographed it. *See* Exhibit 51B.<sup>32</sup> In that photograph, the

<sup>32</sup> The ASI provided the original image to Plundered Past. Exhibit 51B was extracted from the Plundered Past text alert (Exhibit 51A). It is not a scan of the original photograph.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

surface of the **Celestial Pulling Thorn** is damaged, particularly toward the bottom of the figure's right leg.

According to Informant #1, YADAV sold the **Celestial Pulling Thorn** to KAPOOR.

According to the inventory log, AOP received the **Celestial Pulling Thorn** and assigned it inventory number M5807 in or about November 2006. That inventory lists the **Celestial Pulling Thorn** as a "Celestial Figure" from "Madhaya Pradesh, 11<sup>th</sup> cent." See Exhibit 43B.

AOP also photographed the **Celestial Pulling Thorn** upon its arrival in or about November 2006. In that image, titled "M5807," the **Celestial Pulling Thorn** appears to be sitting on the wooden floor of AOP and is propped against a wooden cabinet. See Exhibit 51C. I recovered that image from an AOP computer via the digital folder path "Camera New/061121/M5807." "061121" refers to November 21, 2006. Thus, this photograph was taken or saved on that date. The metadata of that image suggests it was saved on December 1, 2006.

On or about February 8, 2007, KAPOOR sent the **Celestial Pulling Thorn** to Co-Conspirator SALMON for restoration. I observed a copy of Exhibit 51C, digital image "M5807," on an AOP computer via the digital folder path "Services/Restorers/Salmon/070208." According to Informant #1, this folder contains images of works that were sent to Co-Conspirator SALMON on or about February 8, 2007. According to a March 9, 2007 invoice, Co-Conspirator SALMON charged KAPOOR \$1500.00 "[t]o make up missing lower portion of leg draped in sari, plus heel of foot, also to make up missing finger and toes of foot which she is focusing on. To clean lightly over all, bringing up the colour of the stone." See Exhibit 43D, no. 1.

The information sheet for the **Celestial Pulling Thorn** describes it as follows:

Apsara Plucking Thorn from Foot, M5807  
Central India, Madhya Pradesh  
Medieval Period, 11<sup>th</sup> century  
Sandstone  
Height: 18 ½ in (47 cm)  
Price: \$225,000.00 See Exhibit 51D.

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KAPOOR (or others at AOP at his direction) also created a price list that states value of the **Celestial Pulling Thorn** as \$225,000. *See* Exhibit 51E, no. 63. The meta-data of that price list indicates that the document was created on November 24, 2009.

According to Informant #1, in the fall of 2011, AOP shipped the **Celestial Pulling Thorn** to London for AOP's Asia Week exhibition. KAPOOR was arrested en route to this exhibition in or about November 2011. The **Celestial Pulling Thorn's** current whereabouts are unknown.

v. The Shantoo Network (India)

According to Informant #1, from at least the 1990's until KAPOOR's arrest in 2011, Ranjeet Kanwar, also known as "SHANTOO," supplied KAPOOR with large quantities of illegal antiquities from India. KAPOOR's father and SHANTOO's father had worked together in the Indian antiquities trade, and their families were very close. SHANTOO would often email KAPOOR from a Hotmail account registered to "Ranjeet Kanwar." According to Informant #1, SHANTOO and Informant #1 have spoken on the phone.

According to Informant #1, in approximately 2000, KAPOOR received several wood sculptures from Co-Conspirator SHANTOO that had recently been stolen from the archaeological site of Chandraketugarh.<sup>33</sup> According to Informant #1, the wood pieces, which had come directly from a river bank, were still sopping wet upon arrival at AOP. Informant #1 believes the pieces survived, because they were kept moist and buried in the mud. According to Informant #1, Co-Conspirator SMITH travelled to New York to view the Chandraketugarh wood sculptures. Co-Conspirator SMITH observed the Chandraketugarh wood pieces still wet and in extreme disrepair. SMITH said the pieces would need to be shipped to London so he could work on them, because the pieces needed to dry out. After the pieces were shipped to London, SMITH restored them and stored them for approximately 10 years before sending them back to AOP. According to Informant #1, the Chandraketugarh wood pieces were likely worth \$100,000 prior to restoration and \$500,000 after restoration. One of the pieces sold for \$125,000.

<sup>33</sup> Chandraketugarh is located beside the Bidyadhari river in West Bengal, India, approximately 35 kilometers north-east of Kolkata.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

As will be discussed below, SHANTOO also sold KAPOOR the following antiquities: a phyllite stele of Varaha (Exhibit 52), a sandstone sculpture of a Standing Nagaraja (Exhibit 53), and a sandstone sculpture of Kubera, Chief of the Yakshas (Exhibit 54).

*Stele of Varaha* (Exhibit 52)

From approximately 1996 until 2001, KAPOOR possessed stolen property in New York County in the form of a phyllite stele of a Varaha rescuing the earth (the "**Stele of Varaha**"), dated to the 9<sup>th</sup> – 10<sup>th</sup> century, measuring approximately 46 inches by 22.75 inches, and valued at approximately \$225,000. *See* Exhibit 52.

According to Informant #1, SHANTOO sold the **Stele of Varaha** to KAPOOR in or about 1996.

When the **Stele of Varaha** arrived at AOP in 1996, it exhibited signs of having recently been stolen. Informant #1 helped to unpack the **Stele of Varaha**, which arrived in a crate with Indian shipping labels. According to Informant #1, that shipment appeared to have been packed hastily and unprofessionally. The crate was in bad condition and appeared to be made of weak wood and to be breaking apart; the contents—including the **Stele of Varaha**—were wrapped in shredded Indian newspaper that was wet and malodorous. The enclosed artifacts appeared to be dirty and unrestored. Smugglers, in an effort to avoid detection, do not use professional grade shipping or packing materials so that they can move the pieces quickly without others seeing or questioning.

According to the inventory log, AOP received the **Stele of Varaha** and assigned it inventory number M2821 on March 20, 1996. The inventory lists the **Stele of Varaha** as a "Varaha" from "c. 10<sup>th</sup> C." *See* Exhibit 52A. "3/20" is written to the right of that entry, and Informant #1 confirms that AOP received the **Stele of Varaha** in March 1996. According to Informant #1, as a general business practice, KAPOOR photographed almost every piece as it came into the gallery and kept the photographs in binders. I observed a photograph of the **Stele of Varaha** in the photographic inventory binder. This photograph shows the sculpture still

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(212) 335-9323

ADA Christopher Hirsch  
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covered in dirt and not yet restored. "2821" is written on the photograph across the **Stele of Varaha**. *See* Exhibit 52B.<sup>34</sup>

The inventory sheet for the **Stele of Varaha** describes it as follows:

Stele of Varaha Rescuing the Earth, no.M2821

Pala Dynasty, Eastern India, 9<sup>th</sup> – 10<sup>th</sup> Century

Dark Phyllite Stone

Dimensions: 46 x 22 ¾ inches (116.8 cm x 57.8 cm) *See* Exhibit 52C.

KAPOOR created a false provenance for the **Stele of Varaha**. According to a letter signed by Co-Conspirator PUNUSAMY of Jazmin Asian Art and dated April 19, 2000, a private collector acquired the **Stele of Varaha** in the 1950's or 1960's and has resided with it in Singapore since the 1970's. *See* Exhibit 52D. According to Informant #1, however, KAPOOR created this letter and Co-Conspirator PUNUSAMY signed it, knowing the information was fraudulent. Moreover, I observed the Microsoft Word document used to create this letter on the forensic image of an AOP computer. *See* Exhibit 52E.

According to a carbon receipt dated May 17, 2001, KAPOOR sold the **Stele of Varaha** to the Toledo Museum of Art ("TMA") for \$225,000. *See* Exhibit 52F. According to Informant #1, KAPOOR provided the TMA with the fraudulent provenance letter for the **Stele of Varaha**.

In 2009, Co-Conspirator PUNUSAMY contacted the TMA and informed them that the provenance for the **Stele of Varaha** was fraudulent. The TMA contacted AOP about the allegation. AOP responded with a letter to the TMA dated August 18, 2009, giving the TMA the option to return the sculpture to AOP. *See* Exhibit 52G. Despite the **Stele of Varaha's** clouded provenance, the TMA's then Director, Don Bacigalupi, and Chief Curator, Carolyn Putney, opted to keep the sculpture.

<sup>34</sup> "90 3 1" is printed on the bottom of this photograph, suggesting that the camera used to take this photograph was set to March 1, 1990. According to Informant #1, however, KAPOOR rarely set the proper date on his camera; this date is not an accurate representation of the date that the photograph was taken.

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On or about December 2016, the TMA repatriated the **Stele of Varaha** to the Indian Government.

*Nagaraja* (Exhibit 53)

From approximately April 2000 until approximately 2006, KAPOOR possessed stolen property in New York County in the form of a sandstone sculpture of a standing Nagaraja (also referred to as a Batharama or Balarma) (the "**Nagaraja**"), dated to the 7<sup>th</sup>–8<sup>th</sup> century, measuring approximately 32 ½ inches by 16 inches, and sold in 2006 for \$337,500. *See* Exhibit 53.

SHANTOO sold the **Nagaraja** to KAPOOR in or about 1999. On a CD seized from Sofia Storage, unit 734 on January 5, 2012, I observed a folder titled "shantoo" that contains six images of the **Nagaraja**. *See* Exhibit 53A. In three of those images, the **Nagaraja** appears to be laying on a stone floor that is partially covered by a plaid fabric; in two others, the **Nagaraja** is standing upright against a burlap-covered object. The **Nagaraja** appears to have been doused with water. Looters and smugglers often use this technique to better see sculptural details otherwise obscured by dirt. In one image, the background of the photograph has been digitally removed. *See* Exhibit 53B. Looters often digitally remove the background of a photograph to obscure the location of the depicted object. These are indicators that an artifact was illegally removed from an excavation, archaeological site, or temple. On that same CD, I recovered an account ledger titled "AC1099" that lists a Nagaraj for "900" (currency not specified). *See* Exhibit 53C. I found the ledger via the digital folder path "shantoo/Account." According to Informant #1, the Nagaraj listed is the subject **Nagaraja**, "AC1099" refers to account details of KAPOOR's purchases from SHANTOO as of October 1999, and the "shantoo" folder contains documents and photographs pertaining to objects acquired from SHANTOO.

According to the inventory log, AOP received the **Nagaraja** and assigned it inventory number M3876 in April 2000. The inventory lists the **Nagaraja** as a "Batharama, Mathuna, Post Gupta 8<sup>th</sup> century." "4/13/00" is written on the preceding page while "4/28/00" is written on the following page. *See* Exhibit 53D. According to Informant #1, Exhibit 53E is a photograph of the **Nagaraja** taken upon its arrival at AOP. *See* Exhibit 53E. The assigned inventory number, "3876" is written across the bottom of that photograph. The inventory number is also written on the back of the photograph with the artifact's dimensions "32 ½ x



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16 in.” The back of the photograph is stamped with the date “Apr. 2000 FRK.” This supports the inventory log suggesting that the **Nagaraja** arrived at AOP in April 2000.

According to Informant #1, the **Nagaraja** was subsequently cleaned and restored by Co-Conspirator SALMON to hide any evidence of its recent looting.

According to Informant #1, Co-Conspirator PUNUSAMY colluded to create a false ownership record for the **Nagaraja** and provided it to KAPOOR. According to the letter, Ranjit Oka’s husband purchased the **Nagaraja** in 1969, and it has been in Japan since that time. *See* Exhibit 53F. The letter is signed by Ranjit Oka and dated August 10, 2005. According to Informant #1, Exhibit 53F is a fraudulent letter. Moreover, Exhibit 53A and 53B demonstrate that the **Nagaraja** was recently stolen as of 1999. Thus, it could not have been acquired in 1969.

According to a letter dated March 21, 2006, KAPOOR offered the **Nagaraja** to the NGA for \$375,000 and guaranteed its authenticity. *See* Exhibit 53G. According to an invoice from AOP to the NGA dated April 28, 2006, AOP sold the **Nagaraja** (listed as “Balarmama, M3876”) to the NGA for \$337,500. *See* Exhibit 53H.

The **Nagaraja** remains at the NGA.

*Kubera* (Exhibit 54)

From in or about 2001 until 2012, KAPOOR possessed stolen property in New York County in the form of a sandstone sculpture of Kubera, Chief of the Yaksas (the “**Kubera**”), dated to the Gupta Period, measuring approximately 62 inches by 35 inches by 20 inches, and valued at approximately \$1,500,000. *See* Exhibit 54.

On or about June 26, 2001, SHANTOO sold the **Kubera** to KAPOOR. On a CD seized from Sofia Storage, unit 734 on January 5, 2012, I observed a folder titled “shantoo” with a subfolder titled “010626pics.” That folder contains images, one of which is attached as Exhibit 54A, in which the **Kubera** appears to be sitting on the floor of a dark room. Its surface appears to be covered in dust or dirt. *See* Exhibit 54A. The background has been obscured by what appears to be a burlap-like fabric. Looters often remove the background of a photograph to obscure the location of illegal antiquities that have recently been stolen

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)

DEFENDANTS.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

from archaeological sites or temples. According to Informant #1, the digital folder path suggests that AOP received these images from SHANTOO on June 26, 2001.

Within the "010626pics" folder is a subfolder titled "010826 Guatam Talwar" that contains additional images of the **Kubera** in which the **Kubera** is laying on a dirty floor that is partially covered by a plaid fabric. *See* Exhibit 54B. The **Kubera** appears to have been doused with water. Looters often use this technique to better see sculptural details otherwise obscured by dirt or dust and to remove loose dirt or dust. This is an indication that an artifact was recently removed from an excavation, archaeological site or temple.

According to shipping records recovered from KAPOOR's office or storage locations, AOP received a "Seated Kubera sand stone 10th. Century Central India" on or about June 20, 2002. The shipment departed from the Jawaharlal Nehru Port, also known as Nhava Seva, in India on June 2, 2002. *See* Exhibit 54C.

According to the inventory logs, AOP assigned the **Kubera** inventory number M4513 between May 11, 2002 and September 2002. The inventory lists the **Kubera** as a "Kubera (huge stone)" from "Sanchi 5<sup>th</sup> Cent Gupta." *See* Exhibit 54D. KAPOOR also kept a photographic inventory of AOP's acquisitions. That photographic inventory includes a photograph of the **Kubera** with "4513" written in red marker across the image. *See* Exhibit 54E.

In or about September 16, 2002, Co-Conspirator SALMON restored the **Kubera** for KAPOOR. According to an invoice dated September 16, 2002, Co-Conspirator SALMON charged KAPOOR \$4,850 for work on the "[m]assive seated figure. To Take delivery of in crate. Build up base to enable the piece to stand (drilling filling pinning and discizing the repair)." *See* Exhibit 54F, no. 3. On October 5, 2008, Co-Conspirator SALMON wrote a letter to Informant #1 stating that Co-Conspirator SALMON does not possess pre-restoration photographs of the **Kubera** because "the archive of photographs is actually in France." *See* Exhibit 54G. Co-Conspirator SALMON further explains that "[t]he work done on that sculpture was to make up the bottom corner of the base block to give it some stability, and to clean the surface to make the detail visible." *Id.*

On June 11, 2008, AOP received a certificate from the ALR certifying that the **Kubera** did not appear in their database of lost and stolen art. *See* Exhibit 54H. According to that certificate, the provenance provided by AOP was "Private Collection USA."

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KAPOOR (or others at AOP at his direction) created fictitious provenance documents to hide the **Kubera's** illegal past. One of those documents is a letter dated October 1, 2001, that bears what appears to be Dr. Robert Walzer's signature. That letter falsely states that Dr. Walzer purchased the **Kubera** in 1970 and had possessed it in New York since that time. *See* Exhibit 54I. According to an invoice dated January 6, 1970, and typed on Indian Fine Arts letterhead, Indian Fine Arts sold the **Kubera** to Dr. Walzer on that date for 40,000 rupees. *See* Exhibit 54J. According to Informant #1, as a general business practice, KAPOOR created fraudulent purchase invoices using an old typewriter and blank letterhead from various companies to support the false provenances provided by KAPOOR's co-conspirators. I recovered a stack of blank letterhead from various companies and an old typewriter of the type used to create the January 6, 1970, invoice from Cirkers Storage, unit 1202 on March 26, 2014. Moreover, Exhibits 54A and 54B demonstrate that the **Kubera** was stolen in or about 2001; thus, Dr. Walzer could not have acquired it in 1970.

The information sheet for the **Kubera** describes it and its value as follows:

Kubera, the Chief of the Yakshas, M4513  
Northern Madhya Pradesh, Central India  
Gupta Period  
Pinkish brown sandstone  
Dimensions: 62 x 35 x 20 inches (157 x 89 x 51 cm)  
Price: \$1,500,000.00 *See* Exhibit 54K.

On January 5, 2012, DHS-HSI seized the **Kubera** from Sofia Storage, unit 535. *See* Exhibit 54L.

vi. The Prakash Network (India)

According to seized emails, documents, bank records, computer files and Informant #1, from approximately 2002 until KAPOOR's arrest in 2011, Aditya, Vallabh, and Surya PRAKASH—via their family business, Indo-Nepal Art Centre in Mumbai, India—provided KAPOOR with numerous antiquities worth millions of dollars that had been stolen from India. The Indo-Nepal Art Centre had been open since 1959.

The PRAKASHES arranged for stolen antiquities to be smuggled out of southern India to KAPOOR in the United States. KAPOOR and his co-conspirator employees would then

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have the antiquities restored by Co-Conspirators SALMON or SMITH. Once inventoried, restored, and photographed (not necessarily in that order), KAPOOR sold or attempted to sell them to various museums and private collectors. To facilitate these sales, KAPOOR and his co-conspirators created false provenances and falsified supporting documentation to pass the pieces off as legitimate.

I am informed by Rangarajan Gopalan, a Foreign Service National ("FSN") at the Homeland Security Investigations Attaché Office in New Delhi, that in November 2016, Aditya and Vallabh PRAKASH were arrested in Mumbai for dealing in stolen antiquities. According to an Indian police statement, the duo participated in 80% of idol thefts across Tamil Nadu from 2002 until 2011.

On a CD recovered from KAPOOR's office or storage locations, I observed a folder titled "indo-nepal" accessed via the digital folder path "DEALERS/INDIA/indo-nepal." I am informed by Informant #1 that the "indo-nepal" folder contains documents and images pertaining to pieces that Vallabh, Aditiya, and Surya PRAKASH offered or sold to KAPOOR.

As will be demonstrated below, the PRAKASHES provided KAPOOR with the following illegal antiquities: a granite sculpture of the Lingodhbhavamurti manifesting within the pillar of flames (Exhibit 55), a granite statue of a Pallava Shiva (Exhibit 56), a granite sculpture of a dancing Balasubrahmanya (Exhibit 57), a limestone drum pilaster depicting the Dharamachakra (Exhibit 58), a bronze statue of Saint Chandikeshavara (Exhibit 59), and a bronze statue of a Shiva Nataraja (Exhibit 60), a limestone high-relief depicting worshippers of Buddha (Exhibit 61), a granite statue of the goddess, Pratyangira (Exhibit 62), a granite statue of shiva as Ardhanari (Exhibit 63), and a pair of granite Dwarapala statues (Exhibit 64).

*Linga M4515* (Exhibit 55)

From approximately 2002 until 2008, KAPOOR possessed stolen property in New York in the form of a granite sculpture of Shiva manifesting within the pillar of flames (Lingodhbhavamurti) (the "**Linga**"), from Tamil Nadu, India, dated to the 12<sup>th</sup> century, measuring approximately 43 inches by 16 inches, and sold to the Birmingham Museum of Art ("BMA") for \$225,000. *See* Exhibit 55.

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In the “indo-nepal” folder I observed an image titled “Linga1” that appears to be a collage of two images of the **Linga** that are believed to have been taken soon after its theft. *See* Exhibit 55A. As stated above, the “indo-nepal” folder contains documents and photographs pertaining to pieces that the PRAKASHES offered or sold to KAPOOR. The left-side photograph is a close-up view of the **Linga**. The right-side photograph displays the full **Linga** sculpture, but the background has been digitally removed. Smugglers often remove the background of a photograph to obscure the object’s location. Here, it appears that the photographs in this image were taken in a non-professional setting. Specifically, in the bottom left corner of the left-side photograph, a glare from the sun appears to be visible, suggesting the photograph was taken outside.

Additionally, in the photograph on the left-side of that image, it appears that the **Linga** is wet. As stated above, it is common for smugglers to wet recently stolen antiquities to better display the details of those pieces to potential buyers.

On July 16, 2002, Aditya PRAKASH sent an email to KAPOOR with the subject line “FOR SUBHASH.” *See* Exhibit 55B. The email contained a list of items dispatched to KAPOOR in New York and includes the **Linga**, which is described as a “STONE LINGABHOVA (S. INDIA).” Aditya PRAKASH also provided the Bill of Lading number “AM — JNP/0602-1965,” for the arrival of the shipment, dated June 28, 2002. I am informed by Informant #1 that that the “Lingabhova” listed in this email and contained in this shipment is the subject **Linga**. Furthermore, in that same email, Aditya PRAKASH referenced the practice of wetting antiquities for photographs stating, “I have just sent you the photos(non watered).” *See* Exhibit 55B.

According to Informant #1, the **Linga** was illegally exported from India. Shipping documents recovered from KAPOOR’s premises show that a shipment under Bill of Lading number AM — JNP/0602-1965 arrived in Newark, NJ on July 22, 2002. *See* Exhibit 55C. According to those shipping documents the “Indian stone Hindu dieties” included in this shipment are together valued at only \$12,500. *See* Exhibit 55C. As demonstrated below, however, the **Linga’s** sales value alone is approximately \$225,000.

According to the inventory, AOP received the **Linga** and assigned it inventory number M4515 between May 11, 2002 and September 2002, corroborating that the **Linga** arrived in the shipment of “Indian stone Hindu dieties” on July 22, 2002. *See* Exhibit 55D. The inventory describes inventory number M4515 as “Siva manifesting within Linga of Flames.”

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Its listed dimensions are 43 x 16 inches. The inventory further describes the **Linga** as hailing from Tamil Nadu, South India, Chola Dynasty, 12<sup>th</sup> century, and granite. May 11, 2002 and September 2002 are the nearest recorded preceding and succeeding dates.

According to an invoice dated September 16, 2002, Co-Conspirator SALMON restored a “[l]arge granite Lingam” for KAPOOR. *See* Exhibit 54F, no 9. Based on my training, experience, and familiarity with this investigation, I believe this invoice refers to the **Linga**.

I observed a post-restoration photograph of the **Linga**, attached as Exhibit 55.

On September 20, 2002, Aditya PRAKASH sent another email to KAPOOR titled “FOR SUBHASH.” *See* Exhibit 55E. That email details KAPOOR’s recent purchases from the PRAKASHES. The **Linga** appears on this list and is described as “Lingobhav 325000 18/6 included sending.” *See* Exhibit 55E.

The information sheet for the **Linga** describes it as follows:

Śiva Manifesting within the Pillar of Flames (*Lingodbbbhavamurti*), M4515  
Tamil Nadu, South India  
Chola Period, 12<sup>th</sup> Century  
Granite  
Dimensions: 43 x 16 inches (109 x 41 cm)  
Price: \$275,000.00 *See* Exhibit 55F.

KAPOOR (or others at AOP at his direction) created a false letter of provenance for the **Linga**, signed by Co-Conspirator MOHAMED and dated June 14, 2002. That letter claims that MOHAMED’s parents acquired the **Linga** in the 1960’s and gifted it to MOHAMED in 1999, who has possessed it in the United States since. *See* Exhibit 55G. I know from the documents, photographs, and emails discussed above, however, that the **Linga** did not arrive in the United States until 2002 and was recently stolen at that time.

According to an invoice dated October 30, 2008, AOP sold the **Linga** to the BMA for \$225,000 (\$275,000 minus a \$50,000 discount). *See* Exhibit 55H.

On August 1, 2018, the BMA surrendered the **Linga** to DANY and DHS-HSI. DANY repatriated the **Linga** to the Republic of India on September 4, 2018.

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(212) 335-9323

ADA Christopher Hirsch  
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*Pallavi Shiva* (Exhibit 56)

From in or about 2003 until in or about July 2012, KAPOOR knowingly possessed stolen property with the intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner in New York in the form of a granite sculpture of a standing 4-armed shiva (the "**Pallava Shiva**"), dated to the 8<sup>th</sup>-9<sup>th</sup> century, measuring approximately 54 inches by 26 inches by 16 inches, and valued by KAPOOR at approximately \$650,000. *See* Exhibit 56.

On October 15, 2000, Dr. S. Meyyappan published a book that contains a photograph of the **Pallava Shiva** in Tamil Nadu.<sup>35</sup> Although this publication does not explicitly state the date this photograph was taken, it evidences that the **Pallava Shiva's** origin is India. *See* Exhibit 56A and 56B (translation).

In a sub-folder of the "indo-nepal" folder titled "021116" for November 16, 2002, I observed images of the **Pallava Shiva** that appear to have been taken soon after its theft. *See* Exhibit 56C.<sup>36</sup> In the images, the **Pallava Shiva** appears uncleaned, and the picture appears to have been taken outside. The statue is standing on grass and has a white sheet behind it to block out the background. In the bottom photograph of Exhibit 56C, the **Palla Shiva** appears to be wet after recently having been doused with water. In the top photograph of Exhibit 56C, the **Pallava Shiva** appears to be mostly dry, except for a trickle of water that can be seen running down its left leg to a small puddle at its feet. As described above, the aforementioned characteristics are telltale signs that an object has been stolen. Moreover, the folder title "021116" suggests that the **Pallava Shiva** was in this condition on or about November 16, 2002, when this image was saved to an AOP computer.

According to the inventory, AOP received the **Pallava Shiva** and assigned it inventory number M4586 in or about November 2002. *See* Exhibit 56D. KAPOOR's inventory describes the **Pallava Shiva** M4586 as a "Pallava, 7<sup>th</sup> Century, Granite, Subramaniyam?" Its dimensions are listed as "54 x 26 x 16" inches. *See* Exhibit 56D.

<sup>35</sup> Meyyappan, S., "Tadayam," Manivasagar Publishing, no. 792 (2000).

<sup>36</sup> Exhibit 56C is a single image consisting of two separate photographs of the **Pallava Shiva**. Those two photographs are combined into this single image on an AOP computer.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

The information for the **Pallava Shiva** describes it as follows:

Standing Four-Armed Shiva M4586  
South India, Tamil Nadu  
Early Pandya Period, second half of the 8th – early 9th Century  
Granite  
Dimensions: 54 x 26 x 16 inches (137 x 66 x 41 cm)  
Price: \$650,000.00 See Exhibit 56E.

According to an invoice from Co-Conspirator SALMON to KAPOOR dated March 13, 2003, Co-Conspirator SALMON charged KAPOOR \$2,150 to clean, restore, and mount a “Standing Granite Siva.” I believe the “Standing Granite Siva” is the subject **Pallava Shiva**. See Exhibit 56F, no. 5.

Exhibit 56 is a post-restoration photograph of the **Pallava Shiva**.

On July 26, 2012, DHS-HSI seized the **Pallava Shiva** from Sofia Storage, unit 734. See Exhibit 56G.

*Stone Balasubrahmanya (Exhibit 57)*

From in or about 2003 until in or about July 2012, KAPOOR knowingly possessed stolen property in New York with the intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner in the form of a granite sculpture of a dancing Balasubrahmanya (the “**Balasubrahmanya**”), dated to the 14<sup>th</sup> century, measuring approximately 34 inches by 30 inches by 9 inches, and valued by AOP at approximately \$225,000. See Exhibit 57.

In a sub-folder of the “indo-nepal” folder titled “021116,” I observed an image of the **Balasubrahmanya** in which the **Balasubrahmanya** appears to be outside and covered in dirt, and the background is obscured by a white sheet; the **Balasubrahmanya** also appears to have been doused with water as a puddle is visible by the **Balasubrahmanya**’s left heel. See Exhibit 57A. The folder name “021116” suggests that this image was saved on or about November 16, 2002.



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According to the inventory log, AOP received the **Balasubrahmanya** and assigned it inventory number M4587 in or about November 2002. *See* Exhibit 56D. The inventory describes the M4587 as "Sambhadar, Dancing Krishna, Tanjore, 15<sup>th</sup> Century, Vijayanagram, Granite." Its dimensions are listed as 34 x 30 x 9 inches. *See* Exhibit 56D.

The information sheet for the **Balasubrahmanya** describes it as follows:

Dancing Balasubrahmanya, M4587  
South India, Tamil Nadu  
Vijayanagara Period, 14th Century  
Granite  
Dimensions: 34 x 30 x 9 inches (86.4 x 76.2 x 22.8 cm)  
Price: \$225,000.000 *See* Exhibit 57B.

According to Informant #1, Co-Conspirator SALMON cleaned and restored the **Balasubrahmanya** to hide any evidence of its recently having been stolen. I observed an invoice dated March 13, 2003, in which Co-Conspirator SALMON charged KAPOOR for work on the **Dwarapalas, Pallava Shiva**, and a "Dancing Krisna." *See* Exhibit 56F. I believe the "Dancing Krisna" listed on this invoice (no. 6) is the subject **Balasubrahmanya**.

Exhibit 57 is a post-restoration photograph of the **Balasubrahmanya**.

On July 26, 2012, DHS-HSI seized the **Balasubrahmanya** from Sofia Storage, unit 535. *See* Exhibit 57C.

*Drum Pilaster* (Exhibit 58)

From 2003 until in or about 2010, KAPOOR knowingly purchased and possessed stolen property in New York in the form of a limestone sculpture of a drum pilaster depicting the Dharamachakra (Buddhist wheel of law) (the "**Drum Pilaster**"), from Amaravati, Andhra Pradesh, India, dated to approximately the 2<sup>nd</sup>–3<sup>rd</sup> century, measuring approximately 51 inches by 18 inches, and sold to the Louvre Abu Dhabi for \$750,000. *See* Exhibit 58.

As discussed below, KAPOOR purchased the **Drum Pilaster** from the PRAKASHES in or around July 2003.

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In a sub-folder of the "indo-nepal" folder titled "030716," I observed an image of the **Drum Pilaster** in which the **Drum Pilaster** appears to be unclean and set in a dimly lit room. *See* Exhibit 58A. In that image, the **Drum Pilaster** appears to have been broken in half horizontally; it is likely that looters intentionally broke the **Drum Pilaster** to ease transport. The file name "030716" suggests that the image was received and saved on July 16, 2003.

According to the inventory log, AOP received the **Drum Pilaster** and assigned it inventory number M4677. The inventory describes the M4677 as a "Wheel of Law, Amaravati, 2<sup>nd</sup> cent. limestone." Its dimensions are listed as "~71 in." *See* Exhibit 58B.

The information sheet for the **Drum Pilaster** describes it as follows:

An Important Drum Pilaster Depicting the Dharamachakra, M4677  
South India, Andhra Pradesh  
Amaravati Region, 2nd –3rd century  
Limestone  
Dimensions: 51 x 18 inches (129.5 x 45.7 cm)  
Price: \$750,000.00 *See* Exhibit 58C.

According to Informant #1, KAPOOR commissioned Co-Conspirator SALMON to remove any signs of the **Drum Pilaster's** recent looting. According to an invoice from Co-Conspirator SALMON to KAPOOR dated November 14, 2003, Co-Conspirator SALMON charged KAPOOR \$5750 "[t]o piece together, fill and disguise join, Consolidate crumbling areas of stone and touch in scratches" on a "Stone Sun Wheel Stele." *See* Exhibit 58D. This restoration work is consistent with repairs to the break across the **Drum Pilaster's** midsection. *See* Exhibit 58D.

Exhibit 58 is a post-restoration photograph of the **Drum Pilaster**, in which the horizontal break has been repaired.

According to Informant #1, under KAPOOR's instruction, Informant #1 created a false letter of provenance that attests that Co-Conspirator MOHAMED inherited the sculpture from her parents, who purchased it in 1970 in New Delhi. Co-Conspirator MOHAMED signed the letter. *See* Exhibit 58E. According to Informant #1, KAPOOR created a fraudulent purchase invoice to support the false provenance claim. *See* Exhibit 58F. The invoice purports to document a sale of the **Drum Pilaster** by Indian Fine Arts to Rajpati Singh on February

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3, 1970. *Id.* As discussed throughout this complaint, I recovered an old typewriter and blank letterhead for from KAPOOR's office or storage locations.

In 2010, Vincent Lefevre, Curator of Asian Art at the Louvre Abu Dhabi, visited AOP. According to Informant #1, KAPOOR took Lefevre to his storage facilities where Lefevre would have seen fresh, uncleaned, and unrestored items that Lefevre could acquire for the Museum. Lefevre viewed and selected the **Drum Pilaster**.

According to a *pro forma* invoice dated January 10, 2010, the Tourism Development & Investment Company (the "TDIC") paid \$750,000 for the **Drum Pilaster**. *See* Exhibit 58G.

On February 14, 2011, Matthieu Thenoz, an acquisitions representative for the Louvre Abu Dhabi, emailed AOP to request an invoice for the **Drum Pilaster** be sent to Thenoz and the TDIC. *See* Exhibit 58H. According to the email, once the TDIC paid for the **Drum Pilaster**, AOP would have three days to issue the proper receipt. *Id.* Thus, the TDIC purchased the **Drum Pilaster** for the benefit of, or on behalf of, the Louvre Abu Dhabi.

According to Informant #1, KAPOOR shipped the **Drum Pilaster** to the Louvre Abu Dhabi, where it is still located.

*Chandikeshavara* (Exhibit 59)

From in or about 2004 until in or about 2007, KAPOOR purchased and possessed stolen property in New York in the form of a copper alloy sculpture of Saint Chandikeshavar (the "**Chandikeshavara**"), from Tamil Nadu, India, dated to the 11<sup>th</sup> century, measuring approximately 22 ½ inches in height, and sold to Celadon Green Limited for \$400,000. *See* Exhibit 59.

In a sub-folder of the "indo-nepal" folder titled "040911," I observed images of the **Chandikeshavara**, in which the **Chandikeshavara** appears to be unclean, covered in rust, and unrestored. *See* Exhibits 59A and 59B. In Exhibit 59B, the **Chandikeshavara** appears to have been doused with water. "040911" refers to September 11, 2004, suggesting that the images were received and saved on that date. KAPOOR also likely agreed to purchase the **Chandikeshavara** from the PRAKASHES on or about that date.

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(212) 335-9175

AOP received the **Chandikeshavara** and assigned it inventory number M4939. The inventory describes M4939 as a "Chandikeshwara, Chola, 11<sup>th</sup> cent, bronze," but does not provide dimensions. *See* Exhibit 59C.

The information sheet for the **Chandikeshavara** describes it as follows:

Saint Chandeshvara, M4939  
South India, Tamil Nadu  
Chola Period, ca. 950  
Copper alloy  
Height: 23 inches (58.4 cm) *See* Exhibit 59D.

According to Informant #1, KAPOOR commissioned Co-Conspirator SMITH to disguise evidence of the **Chandikeshavara's** recent looting and sent the **Chandikeshavara** to Co-Conspirator SMITH in London. I observed a digital photograph of the **Chandikeshavara** in a folder dedicated to documents and photographs pertaining to objects restored by Co-Conspirator SMITH. *See* Exhibit 59E.

Exhibit 59 is a post-restoration photograph of the **Chandikeshavara**, in which the rust on its surface has been removed.

KAPOOR (or others at AOP at his direction) created a false letter of provenance for the **Chandikeshavara**. I located that letter in the "P" folder discussed above. The letter purports to be written by Dr. Leo FIGIEL and states that FIGIEL purchased the **Chandikeshavara** while travelling in India during the 1960's. *See* Exhibit 59F. The letter further alleges that the **Chandikeshavara** has been in the United States since that time. According to Informant #1, Figiel and KAPOOR had an agreement under which KAPOOR would provide FIGIEL with appraisals in exchange for FIGIEL's signature on false provenance documents.

According to a Microsoft Word invoice found on an AOP computer, AOP sold the **Chandikeshavara** to Celadon Green Limited<sup>37</sup> for \$400,000 on or about December 5, 2007. *See* Exhibit 59G. According to Informant #1, Celadon Green purchased it on behalf of Private Collector #3, whose identity is known to DANY.

<sup>37</sup> According to this invoice, Celadon Green Limited is located in the British Virgin Islands. Dealers and collectors often purchase antiquities through offshore companies to avoid paying taxes.

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ADA Christopher Hirsch  
(212) 335-9175

The **Chandikeshavara's** current whereabouts are unknown.

*Shiva Nataraja M5528* (Exhibit 60)

From in or about 2006 until at least 2007, KAPOOR possessed stolen property in New York in the form of a bronze sculpture of a Shiva Nataraja ("**Shiva Nataraja M5528**"), from Tamil Nadu, India, dated to the 12<sup>th</sup> century, measuring approximately 28 ¼ inches in height, and offered for sale for 2,000,000. *See* Exhibit 60.

As demonstrated below, KAPOOR purchased **Shiva Nataraja M5528** from the PRAKASHES in or around December 2005.

In a sub-folder of the "indo-nepal" folder titled "051206," I observed an image of **Shiva Nataraja M5528**, in which **Shiva Nataraja M5528** appear to be unclean and placed against a black backdrop; one of its left arms appears to have been sawn off. *See* Exhibit 60A. "051206" refers to December 6, 2005, suggesting that the images were received and saved, and **Shiva Nataraja M5528** likely purchased from the PRAKASHES, on or about that date.

AOP received **Shiva Nataraja M5528** and assigned it inventory number M5528 before March 23, 2006. The inventory describes **Shiva Nataraja M5528** as "Nataraja, Chola, 12<sup>th</sup> century Bronze." Its dimensions are listed as 28 ¼ x 14 x 18 inches. "3/23/06" is written next to the following entry. *See* Exhibit 60B.

The information sheet for the **Shiva Nataraja M5528** describes it as follows:

Shiva Nataraja, M5528  
South India, Tamil Nadu  
Chola Period, 12th century  
Bronze  
Height: 28 ¼ inches (71.3 cm) *See* Exhibit 60C.

According to a customs invoice dated December 30, 2005, AOP sent several pieces, including **Shiva Nataraja M5528**, to Co-Conspirator SMITH in London for restoration. *See* Exhibit 60D. Its declared value on that customs invoice is only \$7,500. Although the invoice was dated December 30, 2005, I recovered an updated version of it—discussed below—from the computer folder path "Services/Restorers/NeilSmith/060321." In addition, according to its metadata, it was last modified March 22, 2006, suggesting that KAPOOR did not send the

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shipment to Co-Conspirator SMITH until on or about March 22, 2006. I observed a pre-restoration photograph of **Shiva Nataraja M5528** taken at AOP on an AOP computer via the digital folder path "Restorers/NeilSmith/060321/070131 Received." *See* Exhibit 60E. I also observed a mid-restoration photograph of **Shiva Nataraja M5528** on an AOP computer via the digital folder path "Restorers/NeilSmith/060503." In that photograph, a mold for a new arm has been attached to **Shiva Nataraja M5528**. *See* Exhibit 60F. I recovered an invoice from Co-Conspirator SMITH to AOP dated January 30, 2007. *See* Exhibit 60G. That invoice lists "[o]ne bronze Shiva (5528) To model and cast new arm and hand. To improve sawn sections. To cast and attach various new fingers." *Id.*

Exhibit 60 is a post-restoration photograph of **Shiva Nataraja M5528** with its new arm.

AOP published **Shiva Nataraja M5528** and its recently added appendage on the cover of AOP's March 2007 catalogue and included it as listing number 10. *See* Exhibit 60H.

I recovered a price list via the digital folder path "Museums/SINGAPOR," which I know from Informant #1 to be a computer folder dedicated to pieces KAPOOR offered to sell to the ACM in Singapore. *See* Exhibit 60I. According to this price list, AOP offered to sell **Shiva Nataraja M5528** to the ACM for \$2,000,000.

According to Informant #1, it was discovered that **Shiva Nataraja M5528** had been stolen. Upon learning this, KAPOOR flew to Hong Kong to discuss the matter with his Indian co-conspirators. At this meeting, it was decided that KAPOOR would return the statue before its theft drew unwanted attention. To avoid additional scrutiny, KAPOOR sent **Shiva Nataraja M5528** to Hong Kong where his co-conspirators could conceal its return to India. According to Informant #1, Informant #1 knows this from conversations with KAPOOR, and also because Informant #1 helped arrange **Shiva Nataraja M5528's** shipment to Hong Kong. I observed a picture of the recovered **Shiva Nataraja M5528** on the Tamil Nadu Idol Wing's website, indicating that has been returned to India.

### Chadavaram Stupa Theft

#### *Worshippers Relief* (Exhibit 61)

From approximately 2002 until 2005, KAPOOR possessed stolen property in New York County in the form of a limestone high-relief depicting worshippers of Buddha (the "**Worshippers Relief**"), dated to the 3<sup>rd</sup> century, measuring approximately 38 inches by 42

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(212) 335-9323

ADA Christopher Hirsch  
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inches by 5 inches, sold for \$585,000, and stolen from the Chandavaram Stupa in Andhra Pradesh, India. *See* Exhibit 61.

The **Worshippers Relief** once adorned the northern façade of the Chadavaram Stupa in Andhra Pradesh, India. The Chadavaram Stupa is protected under the Department for Archaeology and Museums Andhra Pradesh (“AP-DAM”) and the ASI. From 1972 until 1977, the AP-DAM supervised excavations of the Chadavaram Stupa. *See* Exhibit 61A.<sup>38</sup> As will be discussed below, during the course of those excavations, archaeologists took photographs of the site. In two of those photographs, the **Worshippers Relief** appears *in situ*.

Exhibit 61B is a photograph of the northern side of the Chandavaram Stupa taken during the course of excavations between 1972 and 1977. In that photograph, the **Worshippers Relief** is visible *in situ* on the ground level tier of the Stupa in the bottom left side of the photograph. Exhibit 61C is another photograph in which the **Worshippers Relief** appears to be *in situ* that was taken between 1972 and 1974. According to Exhibit 61A, the AP-DAM first published the photograph attached as Exhibit 61C in 1973 or 1974.<sup>39</sup> Around 1989, the AP-DAM constructed a “site” museum dedicated to the Chandavaram Stupa (“Site Museum”); all but forty-six reliefs were relocated to the Site Museum or the Hyderabad Museum. *See* Exhibit 61A, pg. 6. As demonstrated below, the **Worshippers Relief** was relocated to the Site Museum.

Professor Akira Shimada took a photograph of the **Worshippers Relief** at the Site Museum. *See* Exhibit 61D. I have learned that Dr. Shimada took the photograph at the Site Museum in October 1996.

<sup>38</sup> In 2018, Robert Arlt and Lucie Folan published their discovery of the **Worshippers Reliefs** theft and location in the Journal for Art Market Studies. That publication is attached as Exhibit 61A. Arlt and Folan describe the Chandavaram excavations, the relocation of many artifacts from the excavation site to museums in India, and the **Worshippers Reliefs** reappearance at the NGA. Exhibits 61B, 61C, and 61D are extracted from this publication.

<sup>39</sup> In the subtext of Fig. 3 in Exhibit 61C, the author states that this photograph was taken in 1977. In footnote 32 of Exhibit 61A, however, the author states that “[t]he image was first published in AR-AP-DAM 1973-1974: pl. 6.” Thus, the photograph must have been taken between 1972 (the start of excavations) and 1973 or 1974 (its first publication). *See* Exhibit 61A.

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While the Site Museum was robbed at least three times between October 2000 and March 2001 (*see* Exhibit 61A, pg. 7), it is not known exactly when the **Worshippers Relief** was removed from the Site Museum. After the three known thefts, the remaining sculptures were moved to a small storage building in Chandavaram. *See* Exhibit 61A, pg. 8. Lucie Folan visited this storage building and examined its contents. According to Exhibit 61A, Folan had viewed an undated photograph of the **Worshippers Relief** in a 2005 publication but did not see the **Worshippers Relief** in the storage room. It is unclear if the **Worshippers Relief** was stolen from the storage room, or if it was stolen from the Site Museum.

As will be discussed, documentation uncovered in the course of this investigation shows that the PRAKASHES sold the **Worshippers Relief** to KAPOOR.

A hard copy photograph seized from AOP shows the **Worshippers Relief** broken into two pieces. *See* Exhibit 61E. That break appears between two figures and a pillar and almost entirely preserves the integrity of the depicted figures. As discussed above, illegal antiquities are often intentionally broken into “orphans”—smaller fragments that tend to preserve the integrity of sections—that can be easily sold as independent pieces or easily reunited after transport.

Shipping records recovered from KAPOOR’s office or storage locations show that KAPOOR received an “Amra panel” in 2 pieces on or about April 1, 2002. The shipment originated from Nhava Sheva, India on or about March 10, 2002. *See* Exhibit 61F.

According to the inventory log, AOP assigned the **Worshippers Relief** inventory number M4378 between April 6, 2002, and May 3, 2002. The inventory describes inventory number M4378 as “Amaravati Piece, stone, 2 couples standing on either side of a column.” The inventory attributes the **Worshippers Relief** to circa. 2<sup>nd</sup> – 3<sup>rd</sup> century CE. April 6, 2002 and May 3, 2002 are the nearest preceding and succeeding dates. *See* Exhibit 61G.

KAPOOR paid Aditya PRAKASH for the **Worshippers Relief**. On September 20, 2002, Aditya PRAKASH sent an email to KAPOOR with the subject like “FOR SUBASH” and stated that “[y]ou had sent 70,000 for amra. 60,000 + 6,000 bal 4,000.” *See* Exhibit 55E. According to Informant #1, the “amra” is the subject **Worshippers Relief**.



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ADA Christopher Hirsch  
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According to Informant #1, KAPOOR commissioned Co-Conspirator SALMON to clean and restore the **Worshippers Relief** to hide any evidence of its recent looting. This is corroborated by a letter from Co-Conspirator SALMON dated March 13, 2003, that details the restoration of a "Dancers Relief Amitavati" that "was broken in half vertically." *See* Exhibit 61H. According to an invoice dated June 12, 2002, Co-Conspirator SALMON charged KAPOOR \$2,000 to restore the "Amitabha Stone panel." *See* Exhibit 61I, no. 2. I recovered a hardcopy post-restoration photograph of the **Worshippers Relief** from KAPOOR's office or storage locations. *See* Exhibit 61. In that photograph, the break between the left-side figures and the pillar and the far-left figure's face are repaired. KAPOOR possessed both the pre-restoration (Exhibit 61E) and post-restoration (Exhibit 61) photographs.

The information sheet for the **Worshippers Relief** describes it as follows:

Worshippers at Tree of Life, M4378  
South India, Andhra Pradesh, Amaravati Region, 3<sup>rd</sup> century  
Limestone  
Dimensions: 38 x 42 x 5 inches  
Price: \$550,000.00 *See* Exhibit 61J.

I recovered a digitized letter dated April 21, 2005, that names KAPOOR as the signatory and lists prices of items that Dr. Ron Radford, then director of the NGA, had observed during a recent visit. *See* Exhibit 61K. The **Worshippers Relief**, **Dwarapalas**, and **Pratyangira**<sup>40</sup> are listed in this letter. KAPOOR states the price of the **Worshippers Relief** as \$650,000—\$100,000 more than the value listed on the information sheet.

On May 9, 2005, a representative of the NGA named "Robyn," who I know from this investigation to be Robyn Maxwell, emailed KAPOOR to discuss the NGA's continued interest in purchasing the **Worshippers Relief** and other pieces. *See* Exhibit 61L. Robyn specifically asked for provenance, an ALR search, pre- and post-restoration photographs, scientific test results, and any prior publications or exhibitions including those pieces. As discussed below, KAPOOR provided fraudulent information to close the sale and evade detection.

<sup>40</sup> The **Dwarapalas** and **Pratyangira** are discussed below.

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According to Informant #1, KAPOOR (or others at AOP at his direction) and Co-Conspirator PUNUSAMY created a false ownership history for the **Worshippers Relief**. KAPOOR (or others at AOP at his direction) created a fraudulent provenance letter for the piece stating that it was acquired by a private collector in Japan in 1969. Co-Conspirator PUNUSAMY's signature appears on that letter. *See* Exhibit 61M. KAPOOR also forged an "original" purchase invoice on old letterhead from Uttam Singh & Sons to corroborate the letter, stating that Mr. Etsuo Ohtsuka of Tokyo, Japan acquired the **Worshippers Relief** on October 16, 1969. *See* Exhibit 61N. As discussed elsewhere in this complaint, KAPOOR regularly created false provenance in this manner: by having a friend or girlfriend vouch for an object's ownership history and creating a false invoice to corroborate the fraud using blank letterhead and an old typewriter.

In 2005, AOP sold the **Worshippers Relief** to the NGA. According to a customs invoice dated May 31, 2005, that I recovered from an AOP computer, AOP valued the **Worshippers Relief** for \$650,000 when arranging shipment to the NGA. *See* Exhibit 61O. According to a carbon receipt dated July 11, 2005, the NGA actually paid KAPOOR \$585,000 (which equates to a 10% discount) for the "Stone Amaravati" (**Worshippers Relief**). *See* Exhibit 61P.

In 2016, the NGA returned the **Worshippers Relief** to the Government of India.

Vridhagiriswarar Temple Thefts

KAPOOR possessed stolen property in New York in the form of a granite sculpture of the goddess Pratyangira (the "**Pratyangira**"), dated to the 12<sup>th</sup> century, measuring approximately 49 ¼ inches by 22 inches by 12 inches, and sold to the NGA for \$247,000 (Exhibit 62), and a granite sculpture of a shiva as Ardhanarishvara (the "**Ardhanari**"), dated to the 10<sup>th</sup> century, measuring approximately 46 ½ inches by 19 inches by 12 inches, and sold to the Art Gallery of New South Wales for \$225,000 (Exhibit 63). As discussed below, the **Pratyangira** and the **Ardhanari** were stolen from the Vridhagiriswarar Temple in Vridhachalam, Tamil Nadu, India, between 1974 and 2002.

I observed photographs of both the **Pratyangira** and **Ardhanari** in the IFP photographic archive. According to the IFP archive, PZ Pattabiraman photographed both pieces at the

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Vriddhagiriswarar Temple on January 31, 1958 (*see* Exhibits 62A and 63A), October 30, 1967 (*see* Exhibits 62B and 63B), and March 4, 1974 (*see* Exhibits 62C and 63C).

In a sub-folder of the “indo-nepal” folder titled “020716,” I observed images of the **Pratyangira** and **Ardhanari**. *See* Exhibits 62D, 62E, 63D, and 63E. Those photographs depict the pieces outside—having been removed from the Temple—, uncleaned or unrestored, and with red sheets placed behind them to hide their surroundings. Grass and mud can be seen underneath the curtain. In Exhibit 62D, The **Pratyangira** is balanced on rocks, likely because it was ripped out of its temple niche, damaging its base. In Exhibit 62E, the **Pratyangira** has been doused with water. *See* Exhibit 62E. Exhibit 63D shows the **Ardhanari** after having been recently doused with water. Another photograph shows the **Ardhanari** partially dried with some wetness remaining on the background of its lower half and pooling visible at its base. *See* Exhibit 63E. These are all telltale markers of lootings. “020716” refers to July 16, 2002, suggesting that KAPOOR saved these images to his computer on that date.

As discussed below, in August 2002, the PRAKASHES sold the **Pratyangira** and **Ardhanari** to KAPOOR. On August 27, 2002, Aditya PRAKASH sent an email to KAPOOR with the subject line “FOR SUBHASH,” indicating that four objects—including the subject **Ardhanari** and **Pratyangira** (listed as a “Sharabanimooorti”)—had been shipped and were destined for KAPOOR. *See* Exhibit 62F. On September 20, 2002, Aditya PRAKASH emailed KAPOOR with the details of KAPOOR’s outstanding balances. According to the email, KAPOOR owed “1100000” rupees for the “ardhanari and sharabanimooorti” and the shipment would arrive the next day. *See* Exhibit 55E. According to Informant #1, the “ardhanari” and “sharabanimooorti” refer to the **Ardhanari** and **Pratyangira**, respectively.

According to the inventory, AOP received the **Pratyangira** and **Ardhanari** in October 2002, and assigned them inventory numbers M4552 and M4553, respectively. *See* Exhibit 62G. The inventory describes the **Pratyangira** (M4552) as “Narasimi, Granite, Chola, -South India, Tamil Nadu, 12<sup>th</sup> Century.” Two sets of dimensions are listed: 41 x 22 x 9 ½ inches and 42 x 21 x 8 inches. The inventory describes the **Ardhanari** (M4553) as “Ardhanareshwara, Granite, Chola, South India, Tamil Nadu, 10<sup>th</sup> Century. Its dimensions are listed as 46 ½ x 19 x 12 inches. *See* Exhibit 62G.

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The information sheet for the **Pratyangira** describes it as follows:

Goddess Pratyangira  
India, Tamil Nadu  
Chola Period, 12th century  
Granite  
49 1/4 x 22 x 12 in.  
Price: \$250,000.00 *See* Exhibit 62H.

The information sheet for the **Ardhanari** describes it as follows:

Shiva, The Lord Whose Half is Woman (Ardhanarishvara), no. M4553  
South India, Tamil Nadu, Chola, 10th Century  
Granite  
Dimensions: 46 1/2 x 19 x 12 inches  
Price: \$250,000.00 *See* Exhibit 63F.

According to Informant #1, AOP sent the **Pratyangira** and **Ardinhari** to Co-Conspirator SALMON for cleaning and restoration, thereby hiding any evidence of its recent looting. An invoice from Co-Conspirator SALMON dated December 2, 2002, discusses restorations to several pieces including a granite Siva Parvati and Narasimi. *See* Exhibit 62I, nos. 4 and 5. I know Co-Conspirator SALMON is referring to the **Pratyangira**, because in his inventory KAPOOR also refers to the **Pratyangira** as a Narasimi. *See* Exhibit 62G. I know Co-Conspirator SALMON is referring to the **Ardhanari** as a Siva Parvati because, as discussed in the information sheet (Exhibit 63F), the **Ardinhari** is a combined form of the gods Shiva and Parvati.

Exhibits 62 and 63 are post-restoration photographs of the **Pratyangira** and **Ardhanari**, respectively.

*Pratyangira* (Exhibit 62)

According to Informant #1, under KAPOOR's direction Informant #1 created a false letter of provenance for the **Pratyangira**. That letter is signed by Co-Conspirator MOHAMED. *See* Exhibit 62J. According to the false provenance letter, MOHAMED inherited the **Pratyangira** from her parents, who had purchased it from Kangra Art Palace, New Delhi, in

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(212) 335-9323

ADA Christopher Hirsch  
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1971. According to Informant #1, KAPOOR used blank Kangra Art Palace letterhead and an old typewriter to forge an invoice to corroborate this fictitious sale. *See* Exhibit 62K. I know that invoice to be false, because the **Pratyangira** was still at the Vriddhagiriswarar Temple in March 4, 1974. As discussed elsewhere in this complaint, I seized an old typewriter and letterhead from Kangra Art Palace from KAPOOR's office or storage locations.

As discussed earlier in this complaint, a customs invoice dated May 31, 2005, and recovered from an AOP computer documents a large sale to the NGA. *See* Exhibit 61O. According to the invoice, AOP sold the **Pratyangira** to the NGA for \$275,000. According to a carbon receipt dated July 11, 2005, the NGA paid AOP \$247,000 for the "Stone Pratyangira." *See* Exhibit 62L. The price difference is likely explained by a 10% "discount."

In September 2016, the NGA and the Government of Australia returned the **Pratyangira** to the Government of India.

*Ardhanari* (Exhibit 63)

I observed a falsified letter of provenance for the **Ardhanari** in the "P" folder discussed above. The letter purports to be written by Co-Conspirator MEHGOUB and states that MEHGOUB's husband purchased the piece while acting as a diplomat in New Delhi from 1968 to 1971. *See* Exhibit 63G. In the "P" folder, I also found a falsified invoice from Uttam Singh & Sons purporting to sell the **Ardhanari** to Abdulla Mehgoub on April 15, 1970. *See* Exhibit 63H. I know that invoice to be false, because the **Ardhanari** was still at the Vriddhagiriswarar Temple in March 4, 1974. As discussed elsewhere in this complaint, KAPOOR regularly created false provenance documents using dated letterhead and an old typewriter.

According to an invoice dated June 16, 2004, AOP sold the **Ardhanari** to the Art Gallery of New South Wales for \$225,000. *See* Exhibit 63I. This is corroborated by a carbon receipt dated August 24, 2004. *See* Exhibit 63J.

The Australian Government returned the **Ardhanari** to India in September 2014.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Moondreeshwara Udayar Temple Theft

*Dwarapalas* (Exhibit 64)

From in or about 2002 until in or about September 2005, KAPOOR knowingly possessed stolen property with the intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner in New York in the form of a pair of granite sculptures of door guardians (the "**Dwarapalas**"), dated to the 15<sup>th</sup> century, measuring approximately 54 inches by 22 inches by 15 inches and 56 inches by 22 inches by 15 inches, respectively, and sold to the NGA for \$495,000. *See* Exhibit 64.

According to an article in the Times of India dated March 10, 2018, the **Dwarapalas** (pictured in the article) were stolen from the Moondreeshwara Udayar Temple at Athanallur in the Tirunelveli District of India. The article states that ASOKAN was arrested in connection to that theft. As will be discussed below, sometime after that theft, the PRAKASHES obtained the **Dwarapalas** and sold them to KAPOOR.

In the sub-folder of the "indo-nepal" folder titled "021009," I observed images of each of the **Dwarapalas**, in which the **Dwarapalas** appear uncleaned and doused with water. *See* Exhibits 64A and 64B. Each is set against a white backdrop on a grassy surface. The **Dwarapalas** appear to be balanced on bricks, having been removed from their bases. As discussed above, stolen pieces are often doused with water to accentuate detail and to remove loose dirt. In addition, after theft or looting, smugglers commonly obscure the location of the stolen relic in photographs by hiding the background or digitally removing the background later. According to the metadata of these images, the digital files were modified on October 8, 2002, indicating that the photographs were taken on or before that day. This is corroborated by the folder name "021009," which refers to October 9, 2002.

According to the inventory, AOP received the **Dwarapalas** and assigned them inventory numbers M4585A and M4585B in or about November 2002. *See* Exhibit 56D. The inventory describes the **Dwarapalas** (M4585a&b) as "2 Dancers, Vijayangram Period, Tamil Nadu, 15<sup>th</sup>

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Century- 2 Dwarapalas, Granite.”<sup>41</sup> Their dimensions are listed as 54 x 22 x 15 inches and 56 x 34 x 16 inches. *Id.*

The information sheet for the **Dwarapalas** describes it as follows:

Pair of Dwara Palas, M4585A&B  
Tamil Nadu, Vijayanagara Period, 15th Century  
Granite  
Dimensions: Left 54 x 22 x 15”  
Right 56 x 22 x 15”  
Price: \$500,000.00 *See* Exhibit 64C.

According to Informant #1, Co-Conspirator SALMON cleaned and restored the **Dwarapalas** to hide any evidence of its recent looting. An invoice from Co-Conspirator SALMON to KAPOOR dated March 13, 2003, discusses restorations to several pieces including a pair of stone dancers. I believe these stone dancers to be the subject **Dwarapalas**. *See* Exhibit 56F, no. 4.

Exhibit 64 is a post-restoration photograph of the **Dwarapalas**.

KAPOOR (or others at AOP at his direction) created a false letter of provenance for the **Dwarapalas**. I located that letter in the “P” folder discussed above. The letter purports to be written by Co-Conspirator MOHAMED and states that MOHAMED inherited the sculpture from her parents, who purchased it from Krishnakoli Gallery in Calcutta, in 1971. *See* Exhibit 64D. I recovered that false letter in the “P” folder. KAPOOR used blank Krishnakoli Gallery letterhead and an old typewriter to forge an invoice to corroborate that sale. That invoice purports that Krishnakoli Gallery sold the **Dwarapalas** to Rajapati Singh on November 25, 1971. *See* Exhibit 64E. I know these documents to be false, because the **Dwarapalas** appear in images to have been recently stolen in or about 2002. As discussed elsewhere in this complaint, I seized an old typewriter and letterhead from KAPOOR’s office or storage locations.

<sup>41</sup> The writer likely intended to state “Vijayanagara Period.” The Vijayanagara Empire reigned in South India from 1136 until the 17<sup>th</sup> century.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

According to an invoice dated August 31, 2005, and recovered from one of the computers, AOP sold the **Dwarapalas** to the NGA for \$495,000 (\$550,000 minus a 10% discount). *See* Exhibit 64F. This amount is corroborated by a carbon receipt for the sale of the "Dwarapala Sculptures" dated September 26, 2005. *See* Exhibit 64G.

I believe the **Dwarapalas** are still located at the NGA.

vii. The Dayal Network (India)

According to seized emails, documents, bank records, computer files, and Informant #1, from at least 2003 until the time of KAPOOR's arrest in 2011, Dean DAYAL, also known as "Dean Dayalan," "Dindayal," and "Dindayalan," supplied KAPOOR with millions of dollars of antiquities stolen from India.

As will be discussed below, KAPOOR acquired the following illegal antiquities from DAYAL: a bronze statue of a dancing Krishna (Exhibit 65), a bronze statue of the goddess, Shridevi (Exhibit 66), a bronze statue of a Parvati (Exhibit 67), and a copper alloy statue of Uma Parameshvari (Exhibit 68).

*Dancing Krishna* (Exhibit 65)

As will be discussed below, from in or about 2005 until 2014, KAPOOR knowingly possessed stolen property in New York County in the form of a bronze statue of a dancing Krishna (the "**Dancing Krishna**"), from Tamil Nadu, dated to the 12<sup>th</sup> century, measuring approximately 12 inches in height, and valued at approximately \$450,000. *See* Exhibit 65.

In or about 2005, DAYAL offered the **Dancing Krishna** to KAPOOR. On a CD recovered from Sofia Storage, unit 734 on January 5, 2012, I observed pre-restoration images of the **Dancing Krishna** via the digital folder path "DEALERS/INDIA/Dean Dayal/050809/Krishna." According to Informant #1, the "050809" subfolder contains images pertaining to objects that DAYAL offered to KAPOOR on or about August 9, 2005.

In those images, one of which is attached as Exhibit 65A, the **Dancing Krishna** appears to be covered with dirt and encrustations and is missing its base and left foot. It is also placed in front of a non-descript white wall. *See* Exhibit 65A. As stated above, dirt and encrustations



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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

are an indication that an antiquity was recently stolen from an archaeological site or temple. Additionally, missing or broken feet are often an indication that a statue is stolen; when *in situ*, feet are often affixed to an immobile base or the ground itself. The quickest way to take such statues is to simply break or cut them at the feet or ankles, thereby elevating additional risk of being caught while removing the statues.<sup>42</sup>

On or about December 7, 2005, AOP received the **Dancing Krishna** and assigned it inventory number M5371. The inventory listing for M5371 states “Dancing Krishna, Chola, 12<sup>th</sup> cent Bronze” and “12/7/05” is written at the top of the page. *See* Exhibit 65B.

According to Informant #1 and documents seized from KAPOOR, KAPOOR sent the **Dancing Krishna** to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. I recovered a customs invoice from an imaged computer dated December 30, 2005, and addressed to Co-Conspirator SMITH. The invoice lists the **Dancing Krishna**—identified by its inventory number, “M5371”—as valued at only \$1,500 and from the 18<sup>th</sup> century. *See* Exhibit 65C. By AOP’s inventory listing, however, the **Dancing Krishna** is dated to approximately the 12<sup>th</sup> century, and—as will be demonstrated below—is valued at approximately \$450,000. Dealers often misrepresent the date and value of an illegal antiquity to avoid detection from law enforcement officials. Although the invoice was dated December 30, 2005, I recovered it from the computer folder path “Services/Restorers/NeilSmith/060321.” In addition, according to its metadata, it was last modified March 22, 2006, suggesting that KAPOOR did not send the shipment to Co-Conspirator SMITH until on or about March 22, 2006.<sup>43</sup>

I also observed an image in which the **Dancing Krishna** appears to be mid-restoration in Co-Conspirator SMITH’s workshop via the computer folder path “Services/Restorers/NeilSmith/060503/AOP1.” *See* Exhibit 65D. In that image, In that image, newly casted grey foot and a base are attached to **Dancing Krishna**. According to

<sup>42</sup> Ankles of statues also tend to be thin and more easily broken than other areas of a statue, such as a torso. Thus, statues are easily broken at the ankles or other limbs while buried or during unscientific excavations. If excavated illegally and hastily, looters are unlikely to continue searching for missing limbs or bases.

<sup>43</sup> An older version of the invoice dated December 30, 2005, appears in a folder labeled “051230.” The version appearing in the “060321” folder—Exhibit 65C—lists the same pieces as the older version as well as additional pieces, such as **Shiva Nataraja M5528**. Thus, it appears KAPOOR waited until at least March to send the shipment and simply failed to change the date at the top of the invoice.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Informant #1, "060503" refers to May 3, 2006. Thus, Co-Conspirator SMITH was in the process of restoring the **Dancing Krishna** on or about May 3, 2006. The metadata of that image suggests that it was taken or saved on May 2, 2006.

By or about December 1, 2006, the **Dancing Krishna's** restoration was complete. Exhibit 65E is a post-restoration photograph of the **Dancing Krishna** that I observed via the computer folder path "CLIENTS/USA/Rutherford/071217/M5371." See Exhibit 65E. The metadata of that images states that it was "taken" on "12/1/2006." According to an invoice from Co-Conspirator SMITH to AOP dated December 15, 2006, Co-Conspirator SMITH charged AOP £5,175 "[t]o clean and tone in model new base section attach and patinate (Casting costs paid already)" a "dancing bronze Krishna (5371)." See Exhibit 65F. As discussed above, M5371 is the inventory number assigned to the **Dancing Krishna**.

The information sheet for the **Dancing Krishna** describes it as follows:

DANCING KRISHNA  
South India, Tamil Nadu  
Chola Period, 12<sup>th</sup> century  
Bronze  
Height: 16 ¾ inches (42.6 cm) See Exhibit 65G.

AOP intended to sell the **Dancing Krishna** for \$450,000. I recovered a price list via the computer folder path "shows/1000/SHOWS/Avenue/price list," that lists the **Dancing Krishna** as item number 60, a "Dancing Krishna, Chola M5371" for "450.000.00." See Exhibit 65H, no. 60.

On March 26, 2014, DHS-HSI recovered the **Dancing Krishna** from Cirkers Storage, unit 1202. See Exhibit 65I.

*Standing Bronze Devi M5372* (Exhibit 66)

From in or about 2005 until approximately 2012, KAPOOR possessed stolen property in New York County in the form of a standing bronze statue of the goddess, Shridevi (also called Parvati) ("**Standing Bronze Devi M5372**"), dated to the 13<sup>th</sup> century, measuring approximately 24 ¾ inches, and valued at approximately \$375,000. See Exhibit 66.

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DEFENDANTS.

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(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

In or about 2005, DAYAL offered **Standing Bronze Devi M5372** to KAPOOR. On a CD recovered from KAPOOR's office or storage locations, I observed pre-restoration images of **Standing Bronze Devi M5372** accessed via the digital folder path "DEALERS/INDIA/Dean Dayal/050809/Parvati." According to Informant #1, the "050809" subfolder contains images pertaining to objects that DAYAL offered to KAPOOR on or about August 9, 2005.

In those photographs, **Standing Bronze Devi M5372** appears to be covered in dirt and encrustations and is missing both feet. *See* Exhibits 66A and 66B. I know from my training and experience that dirt and encrustations are an indication that an antiquity was recently stolen from an archaeological site or temple. As discussed above, I also know that missing or broken feet are often an indication that a statue is stolen.

AOP received **Standing Bronze Devi M5372** and assigned it inventory number M5372 on or about December 7, 2005. The inventory describes **Standing Bronze Devi M5372** as "5372 Devi Left Arm Raised Chola 12th cent Bronze" measuring 18 inches, and "12/7/05" is written at the top of the page. *See* Exhibit 65B.

The information sheet for **Standing Bronze Devi M5372** describes it as follows:

Shridevi, M5372  
South India, Tamil Nadu  
Chola Period, 13<sup>th</sup> century  
Bronze  
Height: 24 <sup>3</sup>/<sub>4</sub> inches (82.9 cm) *See* Exhibit 66C.

According to Informant #1 and documents seized from KAPOOR, KAPOOR sent **Standing Bronze Devi M5372** to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. I recovered a customs invoice dated December 30, 2005, and addressed to Co-Conspirator SMITH. The invoice lists **Standing Bronze Devi M5372**—identified by its inventory number, "M5372"—as valued at only \$2,000 and from the 18<sup>th</sup> century. *See* Exhibit 65C. By AOP's information sheet, however, **Standing Bronze Devi M5372** is dated to approximately the 13<sup>th</sup> century, and—as will be demonstrated below—is (after restoration) valued at approximately \$375,000. Dealers often misrepresent

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

the age and value of an antiquity to avoid detection from law enforcement officials. Although the invoice was dated December 30, 2005, I found it in the computer folder path "Services/Restorers/NeilSmith/060321." In addition, according to its metadata, it was last modified March 22, 2006, suggesting that KAPOOR did not send the shipment to Co-Conspirator SMITH until on or about March 22, 2006.

As part of the restoration process, Co-Conspirator SMITH created a base and feet to match **Standing Bronze Devi M5372**. See Exhibit 66D. I found this photograph in the computer folder path "Services/Restorers/NeilSmith/060503." In that image, newly casted grey feet and a base are attached to **Standing Bronze Devi M5372**. By February 1, 2007, the restoration was complete. In Exhibit 66, a post-restoration photograph **Standing Bronze Devi M5372**, the base and feet have been cast in bronze and attached to **Standing Bronze Devi M5372**. According to the metadata of that image, it was taken or uploaded on February 1, 2007.

According to a price list recovered from the digital folder path "shows/1000/SHOWS/Avenue/price list," AOP intended to sell **Standing Bronze Devi M5372**—listed as item number 5—for \$375,000. See Exhibit 66E. The metadata for that price lists suggests that the document was created on November 20, 2009.

As discussed earlier, pursuant to a directive issued by KAPOOR, Informant #1, Co-Conspirator MOHAMED, and Co-Conspirator SAREEN removed several Indian bronzes from AOP to conceal them from authorities. According to Informant #1, AOP did not keep a written record of which pieces were sent to MOHAMED and ultimately hidden by SAREEN. According to Informant #1, **Standing Bronze Devi M5372** may have been concealed in this manner.

*Standing Bronze Devi M5373* (Exhibit 67)

From in or about 2005 until approximately 2012, KAPOOR possessed stolen property in New York County in the form of a bronze statue of Parvati (also called a Devi or goddess figure) ("**Standing Bronze Devi M5373**"), dated to the 12<sup>th</sup> century, measuring approximately 17 inches in height, and valued at approximately \$250,000. See Exhibit 67.

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(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

In or about 2005, DAYAL offered **Standing Bronze Devi M5373** to KAPOOR. On a CD recovered from Sofia Storage, unit 734 on January 5, 2012, I observed pre-restoration images of **Standing Bronze Devi M5373**. I accessed those images via the digital folder path "DEALERS/INDIA/Dean Dayal/050809/Parvati2." According to Informant #1, the "050809" subfolder contains images pertaining to objects that DAYAL offered to KAPOOR on or about August 9, 2005.

In those photographs, one of which is attached as Exhibit 67A, **Standing Bronze Devi M5373** appears to be covered in dirt and encrustations and is missing both feet. *See* Exhibit 67A. Dirt and encrustations are an indication that an antiquity was recently stolen from an archaeological site or temple. As discussed above, missing or broken feet are often an indication that a statue is stolen.

AOP received **Standing Bronze Devi M5373** and assigned it inventory number M5373 on or about December 7, 2005. The inventory describes **Standing Bronze Devi M5373** as a "Devi Right Arm Raised Chola 12<sup>th</sup> cent. Bronze" and "12/07/05" is written at the top of the page. *See* Exhibit 65B.

According to Informant #1 and documents seized from KAPOOR, KAPOOR sent **Standing Bronze Devi M5373** to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. I recovered a customs invoice dated December 30, 2005, and addressed to Co-Conspirator SMITH from the imaged computers. The invoice lists **Standing Bronze Devi M5373**—identified by its inventory number, "M5373"—as valued at only \$2,000 and from the 18<sup>th</sup> century. *See* Exhibit 65C. According to AOP's inventory listing, however, **Standing Bronze Devi M5373** is dated to approximately the 12<sup>th</sup> century, and—as will be demonstrated below—is (after restoration) valued at at least \$250,000. Dealers often misrepresent the date and value of an antiquity to avoid detection from law enforcement officials. Although the invoice was dated December 30, 2005, I found it via the computer folder path "Services/Restorers/NeilSmith/060321." In addition, according to its metadata, it was last modified March 22, 2006, suggesting that KAPOOR did not send the shipment to Co-Conspirator SMITH until on or about March 22, 2006.

As part of the restoration process, Co-Conspirator SMITH created a base and feet to match **Standing Bronze Devi M5373**. *See* Exhibit 67B. I found this photograph in the computer folder path "Services/Restorers/NeilSmith/060503." In that image, newly casted grey feet

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and a base are attached to **Standing Bronze Devi M5373**. In Exhibit 67, a post-restoration image recovered from an AOP computer, **Standing Bronze Devi M5373** has a new base and feet. *See* Exhibit 67. The metadata of that image states that it was modified on December 30, 2006. Thus, the restoration was completed on or before that date.

According to Informant #1, **Standing Bronze Devi M5373** is worth approximately \$250,000.

As discussed earlier, pursuant to a directive issued by KAPOOR, Informant #1, Co-Conspirator MOHAMED, and Co-Conspirator SAREEN removed several Indian bronzes from AOP to conceal them from authorities. According to Informant #1, AOP did not keep a written record of which pieces were sent to MOHAMED and ultimately hidden by SAREEN. According to Informant #1, **Standing Bronze Devi M5373** may have been concealed in this manner.

*Uma Parameshvari M5377* (Exhibit 68)

From in or about 2005 until 2014, KAPOOR possessed stolen property in New York County in the form of a copper alloy statue of Uma Parameshvari ("**Uma Parameshvari M5377**"), dated to the 10<sup>th</sup>-11<sup>th</sup> century, measuring approximately 23 ¼ inches, and valued at approximately \$750,000. *See* Exhibit 68.

In or about 2005, DAYAL offered **Uma Parameshvari M5377** to KAPOOR. On a CD recovered from KAPOOR's office or storage locations, I observed pre-restoration images of **Uma Parameshvari M5377**. I accessed those images via the digital folder path "DEALERS/INDIA/Dean Dayal/050620." According to Informant #1, the "050620" subfolder contains images pertaining to objects that DAYAL offered to KAPOOR on or about June 20, 2005.

One of those pre-restoration photographs is attached as Exhibit 68A. In that photograph, **Uma Parameshvari M5377** appears to be covered in dirt and encrustations and is placed on a white linen. *See* Exhibit 68A. Dirt and encrustations are an indication that an antiquity was recently stolen from an archaeological site or temple.

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

AOP received **Uma Parameshvari M5377** and assigned it inventory number M5377 on or about December 7, 2005. The inventory describes **Uma Parameshvari M5377** as “5377 Parvati, Chola, 11<sup>th</sup> cent Bronze,” and “12/07/05” is written at the top of the page. *See* Exhibit 65B.

The information sheet for **Uma Parameshvari M5377** describes it as follows:

Uma Parameshvari, M5377  
South India, Tamil Nadu  
Chola Period, 10<sup>th</sup> – early 11<sup>th</sup> century  
Copper alloy  
Height: 23 ¼ inches (59.1 cm) *See* Exhibit 68B.

On or about June 14, 2006, AOP sent **Uma Parameshvari M5377** to Co-Conspirator SMITH in London. In a folder accessed by the computer folder path “Restorers/NeilSmith/060614,” I observed a pro forma invoice titled “list” that is addressed to Co-Conspirator SMITH and dated June 15, 2006. *See* Exhibit 68C. That pro forma invoice lists items that will pass through customs when shipped to Co-Conspirator SMITH. **Uma Parameshvari M5377**—identified by its inventory number, “M5377”—appears on this list; its stated value is \$20,000. As will be demonstrated below, however, AOP actually valued **Uma Parameshvari M5377** at \$750,000. Dealers and smugglers often misrepresent the value of an illegal object that will cross international borders in order to avoid detection from law enforcement authorities.

In Exhibit 68, a post-restoration photograph of **Uma Parameshvari M5377** that I observed on a computer, the dirt and encrustations have been removed.

On May 27, 2006, Informant #1—on behalf of KAPOOR—offered **Uma Parameshvari M5377** to the NGA. I observed a Microsoft Word document that contains a letter addressed to Dr. Robin Maxwell Curator of Asian Art at the NGA, and dated May 27, 2006, on an imaged computer. *See* Exhibit 68D. That letter contains a list of items of interest to the NGA and their respective prices. **Uma Parameshvari M5377** appears on this list and is offered for \$750,000.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

On March 26, 2014, DHS-HSI seized **Uma Parameshvari M5377** from Cirkers Storage, unit 1202.

viii. **Cambodia Network (Cambodia)**

As discussed in the Patrimony Laws section below, I am informed by Ms. Davis that Cambodian law governing cultural patrimony includes, inter alia, the Arrêté du Gouverneur Général de l'Indochine sur la conservation des monuments et objets ayant un intérêt historique ou artistique du 9 mars 1900; Arrêté relative au classement, à la conservation et à la protection des monuments historiques des pays de protectorat du 11 juillet 1925; 1968 Law on the Organization of Suppressing the Acts of Stealing, Receipt of Stolen Goods, and Destruction of Patrimony Relating to the National Heritage; 1992 Land Law; and the 1996 Law on the Protection of Cultural Heritage; and the 2001 Land Law. According to Ms. Davis, this legal regime provides extensive legal protections for Cambodia's cultural patrimony and vests ownership of art and archaeological objects in the state, regardless of whether or not these objects are classified, or when they were removed from the country. Thus, any archaeological objects removed from Cambodia without the proper authorization of the Government of Cambodia are stolen.

*Buddha Protected by Naga* (Exhibit 69)

From in or about 2009 until 2012, KAPOOR knowingly possessed stolen property in New York County in the form of a ceramic Khmer sculpture of a Buddha protected by a serpent (or naga), dated to the 11<sup>th</sup> century, measuring approximately 40 inches in height, and valued at approximately \$1,200,000 (the "**Naga Buddha**"). See Exhibit 69.

As will be demonstrated below, in or about 2009, KAPOOR purchased the **Naga Buddha** and smuggled it from Cambodia to the United States.

According to an invoice dated March 23, 2009, AOP commissioned Co-Conspirator SMITH to restore the **Naga Buddha**. Co-Conspirator SMITH charged AOP £7,925 "[t]o remove three previous types of restoration, disassemble, clean joins, make up missing sections, reassemble, tone-in and mount" the **Naga Buddha**. See Exhibit 69A.



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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

Exhibit 69 is a professional quality, post-restoration image of the **Naga Buddha** that I recovered from an AOP computer. *See* Exhibit 69.

According to shipping documents recovered from KAPOOR's office or storage locations, on or about June 15, 2010, Co-Conspirator SMITH shipped the **Naga Buddha** to KAPOOR in New York. According to the shipping documents for that transfer, KAPOOR declared the **Naga Buddha** as a "3 piece ceramic sitting figure set" from Thailand valued at only \$5,504.45.<sup>44</sup> *See* Exhibit 69B, lot no. 7295. The documents declare the **Naga Buddha's** country of origin as Thailand.

KAPOOR chose to declare the **Naga Buddha's** country of origin as Thailand for legal reasons. Since 1999, the United States has banned importation of all Khmer objects from Cambodia; however, this ban does not apply to Khmer objects from neighboring Thailand. During the search of AOP, I recovered a December 2, 1999, "Bulletin" from Frederick Schultz, that reads, "effective immediately, the US has declared a ban on the importation of all Khmer objects from Cambodia. This does not affect Khmer art from Thailand." *See* Exhibit 69C. Schultz was one of the leading antiquities dealers in New York until February 2002, when he was convicted of receiving stolen property in violation of the National Stolen Property Act. Thus, since at least 1999 and well before the **Naga Buddha's** import, KAPOOR knew that the import of a Cambodian statue would be illegal. Because of this knowledge, and as discussed below, KAPOOR misrepresented the **Naga Buddha's** true origin.

On or after August 27, 2010, AOP received the **Naga Buddha** and assigned it inventory number M6282. The inventory describes M6282 as a "Naga Buddha" and lists the **Naga Buddha's** true country of origin, "Cambodia." The nearest preceding date, "8/27/10," is written higher on the page. *See* Exhibit 69D.

According to Informant #1, Dr. Forrest McGill of the Asian Art Museum of San Francisco visited AOP in or around March 2011 and met with Informant #1. Dr. McGill told Informant #1 that the **Naga Buddha** was from Cambodia and dated from the Khmer Period, 11<sup>th</sup> Century, and this is Dr. McGill's area of specialty.

<sup>44</sup> K-Pak Ltd., a London-based mover of art and antiquities, sent the **Naga Buddha** from London to New York via FedEx, along with additional unrelated items from Christie's and Bonhams.

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In March 2011, AOP published the **Naga Buddha** in an AOP catalogue. *See* Exhibit 69E. The catalogue falsely lists the **Naga Buddha's** origin as Thailand and date as the 15<sup>th</sup> century.

I am informed by Informant #2 that, on April 19, 2011, KAPOOR showed Informant #2 several pieces including the **Naga Buddha**.<sup>45</sup> KAPOOR told Informant #2 that the **Naga Buddha** "is the largest ceramic Cambodian mucalinda" he has ever seen. When Informant #2 inquired how it had stayed intact, KAPOOR explained that it had not; it had been in at least fifty piece before being restored. KAPOOR showed Informant #2 the joins and pointed out a section that needed filling. KAPOOR then stated that the remainder of the piece is original. KAPOOR then offered to sell the **Naga Buddha** to Informant #2 for \$1,200,000. Informant #2 feigned interest but did not purchase the **Naga Buddha**.

On October 25, 2011, KAPOOR told Informant #2 in a recorded conversation that KAPOOR purchased the **Naga Buddha** "one to two years ago," and "only took it out of the cupboard to publish it," thereby creating a false trail of provenance. KAPOOR said that research—Dr. McGill's statement—proves that the **Naga Buddha** originated from Cambodia, but that KAPOOR published it as Thai. KAPOOR said publishing is important, because it creates a record of the item by establishing provenance. KAPOOR explained that falsifying the provenance would increase the **Naga Buddha's** value in the future. Informant #1 has verified that KAPOOR regularly falsified provenance to disguise illegal antiquities by giving them an air of legitimacy and increasing their value.

I recovered the information sheet from the computer folder dedicated to offers made to the NGA. The information sheet describes the **Naga Buddha** as follows:

Adorned Buddha Protected by the *Naga* M6282  
Thailand  
Ayutthaya Period, 15<sup>th</sup> century  
Glazed stoneware  
Height: 40 inches (102 cm)  
Price: \$1,200,000.00 *See* Exhibit 69F.

<sup>45</sup> As will be discussed below, KAPOOR showed the **Naga Buddha** to Informant #2 on two occasions—April 19, 2011, and October 25, 2011.

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(212) 335-9175

On January 5, 2012, DHS-HSI seized the Naga Buddha from AOP. *See* Exhibit 69G.

**ix. Letters of Provenance:**

In the course of this investigation, I recovered dozens of fraudulent letters of provenance. The letters listed below were recovered from KAPOOR or his office or storage locations in digital format or hard copy. This list includes some, but not all, of those letters. They are organized according to signatory:

*Selina MOHAMED* (18 letters):

1. Letter dated February 3, 1994, certifying provenance for a Somaskanda Bronze. The letter claims MOHAMED's mother bought the piece in the 1960's or 1970's.
2. Letter dated July 24, 1997, certifying provenance for a terracotta female dancing figure with an elaborate hairstyle. The letter claims MOHAMED's parents bought the piece in the 1960's.
3. Letter dated October 1, 1997, certifying provenance for a pair of terracotta plaques of a male figure and a female figure with attendant. The letter claims MOHAMED's parents bought the piece in the 1960's.
4. Letter dated October 1, 1997, certifying provenance for a black stone image of Standing Vishnu. The letter claims MOHAMED's parents bought the piece in the 1960's.
5. Letter dated July 7, 1999, certifying provenance for a stone Lakshmi Narayan. The letter claims MOHAMED's parents bought the piece in the 1960's.
6. Letter dated June 14, 2002, certifying provenance for a Shiva Manifesting within a pillar of flames, the **Linga**. The letter claims MOHAMED's parents bought the piece in the 1960's. *See* Exhibit 56F.
7. Letter dated January 16, 2003, certifying provenance for a Wheel of Law, or the **Drum Pilaster**. The letter claims MOHAMED's parents bought the piece in the early 1960's and 1970's. *See* Exhibit 62E.

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8. Letter dated July 7, 2003, certifying provenance for a "Goddess Narasimhi," or **Pratyangira**. The letter claims MOHAMED's father bought the piece for her mother in 1970. *See* Exhibit 57J.
9. Letter dated January 5, 2004, certifying provenance for a pair of **Dwarapalas**. The letter claims MOHAMED's mother bought the piece in 1970. *See* Exhibit 59F.
10. Letter dated March 25, 2005, certifying provenance for a watercolor painting of Haveli with Scenes from the Childhood of Krishna by Ghasiram Hardev Sharma. The letter claims MOHAMED's parents bought the piece in the 1960's.
11. Letter dated July 7, 2005, certifying provenance for a **Torso of a Devata**. The letter claims MOHAMED's parents bought the piece in the 1960's. *See* Exhibit 44I.
12. Letter dated January 2, 2006, certifying provenance for a Tanjore Painting of a Ruler with his son. The letter claims MOHAMED's mother bought the piece in 1971.
13. Letter dated January 2, 2006, certifying provenance for a bronze "Dancing Ganesha" from the Chola period, the **Bronze Ganesh**. The letter claims that MOHAMED's mother bought the piece in 1971. *See* Exhibit 23H.
14. Letter dated July 7, 2006, certifying provenance for an Altar with Virgin Mary and Christ Child. The letter claims MOHAMED's parents bought the piece in the 1960's.
15. Letter dated February 16, 2007, certifying provenance for a stucco starving Buddha. The letter claims MOHAMED's father bought the piece for her mother in the 1960's.
16. Letter dated August 10, 2007, certifying provenance for a bronze Ganesha from the Vijayanagara Period. The letter claims MOHAMED's parents bought the piece in the 1960's.
17. Letter dated January 15, 2008, certifying provenance for a Head of Donor Figure. The letter claims Mohamed's parents bought the piece in the 1960's.
18. Letter dated October 22, 2008, certifying provenance for a Jina Mahavira. The letter claims MOHAMED's mother bought the piece in the 1960's and 1970's.

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*Raj and Abdulla MEHBOUB* (10 letters):

1. Letter dated January 15, 2003, certifying provenance for a "Dancing Shiva," or **Shiva Nataraja M5835**. The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971. *See* Exhibit 29F.
2. Letter dated March 25, 2003, certifying provenance for a marble sculpture of a seated "Jine." The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971.
3. Letter dated March 25, 2003, certifying provenance for an "Aradhanareshwara," or the **Ardhanari**. The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971. *See* Exhibit 58G.
4. Letter dated July 21, 2003, certifying provenance for the "**Seated Buddha**." The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971. *See* Exhibit 11C.
5. Letter dated September 25, 2003, certifying provenance for a bidri huqua base. The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971.
6. Letter dated October 1, 2003, certifying provenance for a "Monumental Alam Bronze." The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971.
7. Letter dated October 1, 2003, certifying provenance for a "Standing Yakshi," or the **Bharhut Pillar**. The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971. *See* Exhibit 41L.
8. Letter dated January 15, 2004, certifying provenance for a Dancing Bronze Samvadar (Sambander). The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971.
9. Letter dated July 25, 2004, certifying provenance for the "**Standing Jina**." The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971. *See* Exhibit 20G.

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10. Letter dated December 15, 2004, certifying provenance for a "Monumental Head of a Crowned Bodhisattva." The letter claims Abdulla Mehgoub purchased the piece between 1968 and 1971.

*Monika KREBS* (5 letters):

1. Letter dated August 8, 1988, certifying provenance for a painting of Raja Mokham Singh Watching a Dance on a Boat. The letter claims KREBS purchased the painting in Germany in 1971.
2. Letter dated May 18, 2004, certifying provenance for the "Birth of Siddhartha." The letter claims KREBS purchased the piece in Germany in 1970.
3. Letter dated September 9, 2004, certifying provenance for a pair of schist statues. The letter claims KREBS purchased the pieces in Germany in 1970.
4. Letter dated March 12, 2005, certifying provenance for the **Bodhisattva Padmapani**. The letter claims KREBS purchased the piece in Germany in 1970. *See* Exhibit 13H.
5. Letter dated May 10, 2007, certifying provenance for a standing Bodhisattva. The letter claims KREBS purchased the piece in Europe in 1970.

*Dr. Leo Figiel* (5 letters):

1. Letter dated April 13, 2001, certifying provenance for a Chols figure of Sihva and Parvati. The letter claims Figiel purchased the piece from a European collection in 1969.
2. Letter dated July 5, 2001, certifying provenance for a miniature stupa. The letter claims the piece had been in Dr. Figiel's collection since 1969.
3. Letter dated May 22, 2005, certifying provenance for a silver-inlaid Bidri Box. The letter claims Figiel purchased it in the 1960's during his travels.
4. Letter dated September 16, 2005, certifying provenance for the Chandikeshvara, or **Chandikeshevara**. The letter claims Figiel purchased it in the 1960's during his travels. *See* Exhibit 63F.

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5. Letter dated January 25, 2006, certifying provenance for a "Seated Bronze of Jina." The letter claims the piece had been in Figiel's collection since 1971.

*Paramaspri PUNUSAMY* (4 letters):

1. Letter dated October 12, 1999, certifying provenance for a limestone sculpture of "Worshippers at the Tree of Life," or the **Worshippers Relief**. The letter claims a private collector from Japan, Mr. Etsuo, purchased the statue in 1969. *See* Exhibit 55N.
2. Letter dated April 19, 2000, certifying provenance for a Varaha phyllite sculpture. The letter claims the prior owner purchased the piece in the 1950's or 1960's.
3. Letter dated May 5, 2005, certifying provenance for the **Saint Manikkavachakar**. The letter claims the statue has been out of India for more than 30 years. *See* Exhibit 24H.
4. Letter dated August 10, 2005, certifying provenance for the **Nagaraja**. The letter claims the prior owner purchased the piece in 1969. *See* Exhibit 53F.

According to Informant #1, each and every one letter of provenance discussed in this complaint is fraudulent. According to Informant #1, KAPOOR relied on his relationships with the signatories and even payed them for the letters at times. These letters show a clear and consistent pattern of fraud. With one only exception, each letter claims its subject had been purchased prior to 1972. The clear aim of each letter is to place its subject outside India prior to the enactment of India's Antiquities and Art Treasures Act of 1972. Doing so would give KAPOOR legal title to sell the described antiquities.

## C. SUBSTANTIVE CHARGES.

### 1. STUCCO BUDDHA HEADS

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE (one count). As discussed in greater detail above, between December 1996 and January 1997, KAPOOR possessed stolen property in the County of New York, to wit, the **Stucco Buddha Heads** valued at \$8,500 and \$12,000, respectively. In July 1995, KAPOOR and YALDIZ conspired to loot a Buddhist site in the Gandharan region of Afghanistan. *See* Exhibit 1A. In December 1996, AOP received two Gandharan **Stucco Buddha Heads** previously seen and selected by YALDIZ on a recent trip to that region. *See* Exhibits 1D

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and 1E. AOP's inventory photo shows the **Stucco Buddha Heads** dirty and unrestored. *See* Exhibit 1. AOP sold the **Stucco Buddha Heads** to YALDIZ in January 1997. *See* Exhibit 1F. Notations in the inventory binder indicate AOP sold the **Stucco Buddha Heads** for \$8,500 and \$12,000, respectively. *See* Exhibit 1D.

## 2. MONUMENTAL BUDDHA HEAD

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2005 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Monumental Buddha Head** valued at \$4,500,000. KAPOOR purchased the **Monumental Buddha Head** during a trip to Pakistan and India in July 2005. A digital photograph recovered from an AOP computer showed the **Monumental Buddha Head** covered with dirt and displaying a jagged break along its neck consistent with a break typically caused by looting. *See* Exhibit 2. According to an invoice, SALMON cleaned the **Monumental Buddha Head** on or about December 8, 2005. *See* Exhibit 2C, no. 1. Documentation recovered from KAPOOR's office or storage locations shows that AOP valued the **Monumental Buddha Head** at \$4,500,000. *See* Exhibit 2G. DHS-HSI recovered the **Monumental Buddha Head** from one of KAPOOR's storage facilities on January 5, 2012. *See* Exhibit 2H.

## 3. HERAKLES WITH SWORD

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2005 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Herakles with Sword** valued at \$1,700,000. KAPOOR purchased the **Herakles with Sword** during a trip to Pakistan and India in July 2005. Digital photographs recovered from an AOP computer show the **Herakles with Sword** with a broken left arm and unrestored. *See* Exhibits 3 and 3A. According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 7, 2005, SALMON restored the **Herakles with Sword**. *See* Exhibit 3E, no. 1. Documentation recovered from KAPOOR's office or storage locations shows that AOP valued the **Herakles with Sword** at \$1,700,000. *See* Exhibit 3F. DHS-HSI recovered the **Herakles with Sword** from one of KAPOOR's storage facilities on July 26, 2012. *See* Exhibit 3G.



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(212) 335-9175

#### 4. QUR'ANIC WALL TILE M5633

GRAND LARCENY IN THE THIRD DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5633**, sold for \$40,500 to Princeton University. KAPOOR purchased six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006. *See* Exhibits 4, 5, 6, 7, 8, and 9. According to a restoration invoice from Co-Conspirator SALMON dated March 15, 2008, Co-Conspirator SALMON restored the **Qur'anic Wall Tiles**. *See* Exhibit 4F. KAPOOR and Co-Conspirator MOHAMED created fraudulent documents to conceal the true history of **Qur'anic Wall Tile M5633**. Documentation recovered from KAPOOR's office or storage locations shows AOP sold **Qur'anic Wall Tile M5633** for \$40,500 on or about November 13, 2008. *See* Exhibits 4J and 4K.

#### 5. QUR'ANIC WALL TILE M5634

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5634**, which was valued at \$95,000 by AOP. *See* Exhibit 5B. KAPOOR purchased **Qur'anic Wall Tile M5634** as part of a group of six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006. KAPOOR exported the tiles from Pakistan to the United States in violation of the export and patrimony laws of the Islamic Republic of Pakistan. *See* Exhibit 5.

#### 6. QUR'ANIC WALL TILE M5635

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5635**, which was valued at \$95,000 by AOP. *See* Exhibit 5B. KAPOOR purchased **Qur'anic Wall Tile M5635** as part of a group of six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006.

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KAPOOR exported the tiles from Pakistan to the United States in violation of the export and patrimony laws of the Islamic Republic of Pakistan. *See* Exhibit 6.

#### 7. QUR'ANIC WALL TILE M5636

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5636**, which was valued at \$75,000 by AOP. *See* Exhibit 5B. KAPOOR purchased **Qur'anic Wall Tile M5636** as part of a group of six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006. KAPOOR exported the tiles from Pakistan to the United States in violation of the export and patrimony laws of the Islamic Republic of Pakistan. *See* Exhibit 7.

#### 8. QUR'ANIC WALL TILE M5637

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5637**, which was valued at \$95,000 by AOP. *See* Exhibit 5B. KAPOOR purchased **Qur'anic Wall Tile M5637** as part of a group of six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006. KAPOOR exported the tiles from Pakistan to the United States in violation of the export and patrimony laws of the Islamic Republic of Pakistan. *See* Exhibit 8.

#### 9. QUR'ANIC WALL TILE M5638

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2008, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, **Qur'anic Wall Tile M5638**, which was valued at \$95,000 by AOP. *See* Exhibit 5B. KAPOOR purchased **Qur'anic Wall Tile M5638** as part of a group of six calligraphic **Qur'anic Wall Tiles** during a trip to Pakistan and India in April 2006. KAPOOR exported the tiles from Pakistan to the United States in violation of the export and patrimony laws of the Islamic Republic of Pakistan. *See* Exhibit 9.

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(212) 335-9175

# 10. MONUMENTAL HERAKLES

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Monumental Herakles** valued at \$950,000 by AOP. KAPOOR purchased the **Monumental Herakles** during a trip to Pakistan and India in April 2006. *See* Exhibit 10. In a digital photograph of the **Monumental Herakles** recovered from an AOP computer, the statue appears to have been recently doused with water and is partially wet, specifically under Herakles' left arm, along his waste-line, and at his feet. *See* Exhibit 10. According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 20, 2006, Co-Conspirator SALMON cleaned the **Monumental Herakles**. *See* Exhibit 10B, no. 2. KAPOOR inventoried the **Monumental Herakles** on July 28, 2006. *See* Exhibit 10A. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Monumental Herakles** at \$950,000. *See* Exhibit 10D. On July 26, 2012, DHS-HSI seized the **Monumental Herakles** from Sofia Storage, unit 736. *See* Exhibit 10E.

# 11. SEATED BUDDHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Seated Buddha** valued at \$650,000 by AOP. KAPOOR purchased the **Seated Buddha** during a trip to Pakistan and India in April 2006. In a digital photograph of the **Seated Buddha** recovered from an AOP computer, the statue appears to have been doused with water and is partially wet; a pool of water is visible in the crook of the **Seated Buddha's** right arm. *See* Exhibit 11. AOP inventoried the **Seated Buddha** on July 28, 2006. *See* Exhibit 10A. According to an invoice from Co-Conspirator SALMON to KAPOOR dated September 20, 2006, KAPOOR commissioned Co-Conspirator SALMON to clean the **Seated Buddha**. *See* Exhibit 10B, no. 1. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Seated Buddha** at \$650,000. *See* Exhibit 11B. On July 26, 2012, DHS-HSI seized the **Seated Buddha** from Sofia Storage, unit 736. *See* Exhibit 11D.

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

## 12. STUCCO ATLAS

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2007 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Stucco Atlas** valued by AOP at \$175,000. KAPOOR purchased the **Stucco Atlas** during a buying trip to Pakistan and India in April 2006. In a digital photograph of the **Stucco Atlas** recovered from an AOP computer, the statue appears to be sitting on the ground in a carpeted room with other antiquities and is covered in dirt. *See* Exhibit 12. According to Informant #1, Co-Conspirator SALMON cleaned the **Stucco Atlas** before AOP received it. AOP inventoried the **Stucco Atlas** on May 15, 2007. *See* Exhibit 12A. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Stucco Atlas** at \$175,000. *See* Exhibit 12C. On July 26, 2012, DHS-HSI seized the **Stucco Atlas** from Sofia Storage, unit 733. *See* Exhibit 12D.

## 13. BODHISATTVA PADMAPANI

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2008 and 2012, KAPOOR possessed stolen property in the County of New York, to wit, the **Bodhisattva Padmapani** valued by AOP at \$850,000. KAPOOR purchased the **Bodhisattva Padmapani** in March 2008. In digital photographs recovered from an AOP computer, the **Bodhisattva Padmapani** appears to be in a warehouse or storage facility; it is unmounted and appears unclean, and cardboard boxes, styrofoam, and other antiquities are scattered about the floor in the background. *See* Exhibit 13. According to Informant #2, KAPOOR offered to sell Informant #2 the **Bodhisattva Padmapani** for \$850,000. *See* Exhibit 13J. On July 26, 2012, DHS-HSI seized the **Bodhisattva Padmapani** from Sofia Storage, unit 736. *See* Exhibit 13K.

## 14. GARUDA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR possessed stolen property in the County of New York, to wit, the **Garuda** valued by AOP at \$650,000. KAPOOR purchased the **Garuda** in March 2008. In digital photographs recovered from an AOP computer, the **Garuda** appears to be in a warehouse or storage facility; each piece is unmounted and appears unclean, and cardboard boxes, styrofoam, and other

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

antiquities are scattered about the floor in the background. *See* Exhibit 14. According to Informant #2, AOP offered to sell Informant #2 the **Garuda** for \$650,000. *See* Exhibit 14A.

### 15. PREACHING BUDDHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR possessed stolen property in the County of New York, to wit, the **Preaching Buddha** valued by AOP at \$125,000. KAPOOR purchased the **Preaching Buddha**, in March 2008. In digital photographs recovered from an AOP computer, the **Preaching Buddha** appears to be in a warehouse or storage facility; each piece is unmounted and appears unclean, and cardboard boxes, styrofoam, and other antiquities are scattered about the floor in the background. *See* Exhibit 15. Documents recovered from AOP show AOP valued the **Preaching Buddha** at \$125,000. *See* Exhibit 15B. On March 26, 2014, DHS-HSI seized the **Preaching Buddha** from Cirkers Storage, unit 1202. *See* Exhibit 15D.

### 16. BODHISATTVA TORSO

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). Between 2008 to 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Bodhisattva Torso** valued by AOP at \$750,000. In a digital photograph of the **Bodhisattva Torso** recovered from an AOP computer, the statue is depicted prior to mounting and leaning against a wall in a warehouse. *See* Exhibit 16. Moreover, Informant #1 recalls seeing the **Bodhisattva Torso** covered in encrustations when it arrived at AOP. According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON to restore the **Bodhisattva Torso**. *See* Exhibit 16G. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Bodhisattva Torso**, identified by inventory number M6228, at \$750,000. *See* Exhibit 16J. On January 5, 2012, DHS-HSI seized the **Bodhisattva Torso** from Sofia Storage, unit 734. *See* Exhibit 16K.

### 17. STANDING BUDDHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). Between 2008 and approximately 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Standing Buddha** valued by AOP at \$1,200,000. In a digital photograph of the **Standing Buddha** recovered from an

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

AOP computer, the statue is laid on its back in a rotting plywood crate surrounded by broken pieces of styrofoam and other packing material. *See* Exhibit 17. According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON to restore the **Standing Buddha**. *See* Exhibit 16G. According to Informant #1, AOP valued the **Standing Buddha** at \$1,200,000. On July 26, 2012, DHS-HSI seized the **Standing Buddha** from Sofia Storage, unit 736. *See* Exhibit 17C.

#### 18. STANDING BODHISATTVA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). Between 2008 and approximately 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Standing Bodhisattva** valued by AOP at \$1,000,000. In a digital photograph of the **Standing Bodhisattva** recovered from an AOP computer, the statue is laid on its back in a rotting plywood crate surrounded by broken pieces of styrofoam and other packing material. *See* Exhibit 18. According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON to restore the **Standing Bodhisattva**. *See* Exhibit 16G. According to Informant #1, AOP valued the **Standing Bodhisattva** at \$1,000,000. On January 5, 2012 DHS-HSI seized the **Standing Bodhisattva** from Sofia Storage, unit 734. *See* Exhibit 18A.

#### 19. BODHISATTVA BUST

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). Between 2008 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Bodhisattva Bust** valued by AOP at \$1,200,000. In a digital photograph of the **Bodhisattva Bust** recovered from an AOP computer, the statue is depicted in a warehouse, supported by pallet wood, with upright pallets in the background. *See* Exhibit 19. According to a restoration invoice dated April 21, 2009, KAPOOR hired Co-Conspirator SALMON to restore the **Bodhisattva Bust**. *See* Exhibit 16G. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Bodhisattva Bust** at \$1,200,000. *See* Exhibit 19C. On October 23, 2012, DHS-HSI seized the **Bodhisattva Bust** from the Pierre Hotel. *See* Exhibit 19E.

#### 20. STANDING JINA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2004 and 2005, ASOKAN and

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

KAPOOR possessed stolen property in the County of New York and elsewhere, to wit, the **Standing Jina**. In 2005, KAPOOR sold the **Standing Jina** to Private Collector #1 for \$435,000. Digital photographs of the **Standing Jina** recovered from an AOP computer show the statue corroded and covered in loose dirt as if it had only just been dug out of the ground. *See* Exhibits 20 and 20A. An email from KAPOOR's supplier, Sanjeeve ASOKAN, explains that the **Standing Jina** was recently excavated. *See* Exhibit 20B. KAPOOR submitted the **Standing Jina** for a metallographic examination on April 23, 2004. The report observed that the encrustations on the statue resulted from its burial, corroborating ASOKAN's assertion of recent excavation. *See* Exhibit 20D. KAPOOR and his co-conspirators created false provenance and forged supporting documentation for the **Standing Jina** to assist in selling the piece to Private Collector #1. *See* Exhibits 20J and 20K. Documentation recovered from KAPOOR's office or storage locations indicates that AOP sold the **Standing Jina** to Private Collector #1 for \$335,000 (\$435,000 minus \$100,000) in February 2005. *See* Exhibit 20I.

## 21. SHAKYAMUNI BUDDHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2004 and 2012, ASOKAN, KAPOOR, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Shakyamuni Buddha** valued by AOP at \$2,500,000. In May 2004, KAPOOR received several digital photographs of the **Shakyamuni Buddha** from Sanjeeve ASOKAN depicting the statue dirty, on top of what appears to be a burlap sack and in an unprofessional setting. *See* Exhibits 21 and 21A–E. KAPOOR purchased the piece from ASOKAN, and AOP inventoried it in late 2004 under inventory number M4873. *See* Exhibit 21F. According to an invoice from Co-Conspirator SALMON to KAPOOR dated November 10, 2004, SALMON restored a "Monumental seated Buddha." *See* Exhibit 21G. Documentation recovered from KAPOOR's office or storage locations indicates that AOP valued the **Shakyamuni Buddha** at \$2,500,000. *See* Exhibit 21I. On July 26, 2012, DHS-HSI seized the **Shakyamuni Buddha** from Sofia Storage, unit 535. *See* Exhibit 21J.

## 22. UMA PARVATI M5787

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2006 and at least 2012, ASOKAN and KAPOOR possessed stolen property in the County of New York and elsewhere, to wit, **Uma Parvati M5787**, valued between \$2,500,000 and \$3,500,000, in the County of New York. In

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(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

a digital photograph of **Uma Parvati M5787** recovered from a folder containing images of antiquities ASOKAN sold or offered to KAPOOR, the statue is covered in dirt and corroded. *See* Exhibit 22. KAPOOR purchased **Uma Parvati M5787** from Sanjve ASOKAN in the second or third quarter of 2006. AOP inventoried **Uma Parvati M5787** between September 14 and October 28, 2006. *See* Exhibit 22A. I also recovered post-restoration photographs of **Uma Parvati M5787** that were saved to an AOP computer. *See* Exhibit 22C. According to Informant #1, **Uma Parvati M5787** is valued between \$2,500,000 and \$3,500,000. According to Informant #1, Informant #1 brought **Uma Parvati M5787** to Co-Conspirator MOHAMED so that Co-Conspirator MOHAMED could bring it to KAPOOR's sister, Co-Conspirator SAREEN.

### 23. BRONZE MURUGAN M5836

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2007 and 2012, ASOKAN and KAPOOR possessed stolen property in the County of New York and elsewhere, to wit, **Bronze Murugan M5836**, valued at between \$2,500,000 and \$3,500,000, in the County of New York. In a digital photograph of **Bronze Murugan M5836** recovered from a folder containing images of antiquities ASOKAN sold or offered to KAPOOR, the statue is dirty and unrestored. *See* Exhibit 23A. KAPOOR purchased **Bronze Murugan M5836** from Sanjeeve ASOKAN in late 2006 or early 2007. AOP inventoried **Bronze Murugan M5836** between January 4 and February 8, 2007. *See* Exhibit 23B. I recovered post-restoration photographs of **Bronze Murugan M5836** on an imaged computer. *See* Exhibit 23. According to Informant #1, **Bronze Murugan M5836's** value is approximately \$750,000. On July 26, 2012, DHS-HSI recovered the **Bronze Murugan** from Sofia Storage, unit 734. *See* Exhibit 23C.

### 24. UMA PARAMESHVARI M5354

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2005 and 2007, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Uma Parameshvari M5354**. Under false pretenses, AOP sold **Uma Parameshvari M5354** to the ACM for \$650,000 in February 2007. As recently as November 23, 1994, the IFP photographed **Uma Parameshvari M5354** in the Siva Temple in Sri Purundan Village, Tamil



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(212) 335-9323

ADA Christopher Hirsch  
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Nadu, India. *See* Exhibit 24B. KAPOOR purchased **Uma Parameshvari M5354** from Sanjeeve ASOKAN during the second half of 2005. In a photograph of **Uma Parameshvari M5354** recovered from a seized CD, the statue appears to be dirty, especially near its base. *See* Exhibit 24C. A photograph taken from the same folder showed the underside of **Uma Parameshvari M5354**. *See* Exhibit 24D. AOP inventoried **Uma Parameshvari M5354** on November 16, 2005. *See* Exhibit 24E. According to a customs invoice dated December 30, 2005, AOP sent **Uma Parameshvari M5354** to Co-Conspirator SMITH for restoration. *See* Exhibit 24F. An invoice recovered from KAPOOR indicates that AOP sold **Uma Parameshvari M5354** to the ACM in Singapore for \$650,000. *See* Exhibit 24I. A forged receipt of the sort created by KAPOOR using an old typewriter and a stack of blank letterhead was found in the same digital folder as the invoice. The fraudulent receipt is on letterhead from Kangra Art Palace and purports to record the September 12, 1970, sale of a "Chola Parvati" to the parents of Co-Conspirator MOHAMED. *See* Exhibit 24J. According to Co-Conspirator MOHAMED, KAPOOR's former girlfriend who regularly signed false provenance documents for him, she or her parents never owned any such pieces. The ACM returned **Uma Parameshvari M5354** to the Republic of India in 2015.

## 25. BRONZE GANESH

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2005 and 2006, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York, to wit, the **Bronze Ganesh**. Under false pretenses, AOP sold the **Bronze Ganesh** to the TMA for \$245,000 in May 2006. As recently as November 23, 1994, the IFP photographed the **Bronze Ganesh** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 25B. KAPOOR purchased the **Bronze Ganesh** from Sanjeeve ASOKAN during the second half of 2005. In a digital photograph of the **Bronze Ganesh** recovered from a seized CD, the statue is placed next to a non-descript white wall. *See* Exhibit 25C. AOP inventoried the **Bronze Ganesh** on November 16, 2005. *See* Exhibit 24E. According to a customs invoice dated December 30, 2005, AOP sent the **Bronze Ganesh** to Co-Conspirator SMITH for restoration. *See* Exhibit 24F. I also recovered a forged letter of provenance for the **Bronze Ganesh** from one of the seized CDs. The letter of provenance purports to be from Co-Conspirator MOHAMED. *See* Exhibit 25H. An invoice recovered from KAPOOR indicates he sold the **Bronze Ganesh** to the TMA in May 2006 for \$245,000. *See* Exhibit 25G.

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FELONY  
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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

## 26. SAINT MANIKKAVACHAKAR

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2005 and 2006, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Saint Manikkavachakar**. Under false pretenses, AOP sold the **Saint Manikkavachakar** to Private Collector #2 for \$650,000 in March 2006. As recently as November 23, 1994, the IFP photographed the **Saint Manikkavachakar** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 26B. KAPOOR purchased the **Saint Manikkavachakar** from Sanjeeve ASOKAN during the second half of 2005. In a digital photograph of the **Saint Manikkavachakar** recovered from a seized CD, the statue appears to be covered in dust. *See* Exhibit 26D. AOP inventoried the **Saint Manikkavachakar** on December 6, 2005. *See* Exhibit 26E. According to a customs invoice dated December 30, 2005, AOP sent the Saint Manikkavachakar to Co-Conspirator SMITH for restoration. *See* Exhibit 24F. I also recovered a forged letter of provenance for the **Saint Manikkavachakar** from one of the seized CDs. The letter of provenance purports to be from Co-Conspirator PUNUSAMY. *See* Exhibit 26H. An invoice recovered from KAPOOR's office or storage locations indicates that AOP sold the **Saint Manikkavachakar** to Private Collector #2 in March 2006 for \$650,000. *See* Exhibit 26I.

## 27. SAMBANDER

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2007, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York, to wit, the **Sambander**. AOP sold the **Sambander** to Private Collector #1 for \$775,000 in March 2007. As recently as November 23, 1994, the IFP photographed the **Sambander** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 27B. KAPOOR purchased the **Sambander** from Sanjeeve ASOKAN during the first quarter of 2006. In a digital photograph of the **Sambander** recovered from a seized CD, the statue appears to be dirty, especially on its base. *See* Exhibit 27C. AOP inventoried the **Sambander** on March 14, 2006. *See* Exhibit 27E. According to a customs invoice, AOP sent the Sambander to Co-Conspirator SMITH in London for restoration. *See* Exhibit 27F. According to an invoice dated March 27, 2007, AOP sold the **Sambander** to Private Collector #1 in New York for

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(212) 335-9323

ADA Christopher Hirsch  
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\$125,000. *See* Exhibit 27H. According to Informant #1, and as supported by the sales ledger, AOP actually sold the **Sambander** for \$775,000. *See* Exhibit 27I.

## 28. SEATED DEVI

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2008, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York, to wit, the **Seated Devi**. Under false pretenses, AOP consigned the **Seated Devi** to Georgia Chrischilles for \$95,000 in March 2008. As recently as November 23, 1994, the IFP photographed the **Seated Devi** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 28A. KAPOOR purchased the **Seated Devi** from Sanjeeve ASOKAN during the first quarter of 2006. In a digital photograph of the **Seated Devi** recovered from a seized CD, the statue appears to be coated in rust. *See* Exhibit 28B. A photograph taken from the same folder shows the rust encrusted underside of the **Seated Devi**. *See* Exhibit 28C. AOP inventoried the **Seated Devi** on March 14, 2006. *See* Exhibit 27E. According to a customs invoice, AOP sent the Seated Devi to Co-Conspirator #SMITH in London for restoration. *See* Exhibit 27F. KAPOOR created and signed a fraudulent letter of provenance that states that the **Seated Devi** had been in the United States, since 1991. *See* Exhibit 28D. According to a consignment list dated March 25, 2008, AOP consigned the **Seated Devi** to Georgia Chrischilles, a Belgium based antiquities dealer, for a net price of \$95,000. *See* Exhibit 28E.

## 29. STANDING SHIVA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Standing Shiva**. KAPOOR sold the **Standing Shiva** to Douglas Latchford for \$650,000 in August 2006. As recently as November 23, 1994, the IFP photographed the **Standing Shiva** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 29B. KAPOOR purchased the **Standing Shiva** from Sanjeeve ASOKAN during the second quarter of 2006. In a digital photograph of the **Standing Shiva** recovered from a seized CD, the statue appears to be coated in dust or dirt, particularly at its base. *See* Exhibits 29C and 29D. AOP inventoried the **Standing Shiva** on June 26, 2006. *See* Exhibit 29F. According to a customs invoice, AOP sent the **Standing Shiva** to Co-Conspirator SMITH in London for restoration.

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*See* Exhibit 29G. According to Informant #1, on behalf of KAPOOR, Co-Conspirator SMITH showed the **Standing Shiva** to Douglas Latchford, an antiquities dealer located in Bangkok, Thailand. On August 30, 2006, AOP sold the **Standing Shiva** to Latchford for \$650,000. That sale is documented in a Microsoft Word document titled "06\_3" that details bonuses paid to Informant #1 for transactions in July, August, and September 2006. *See* Exhibit 29H. Informant #1 states that Latchford never requested any provenance documentation or an ALR certificate from AOP. This sale is also corroborated by a page from the sales ledger. *See* Exhibit 29I. According to the ledger, AOP sold Latchford a "Chola Shiva" for \$650,000 on August 18, 2006.

### 30. UMA PARVATI M5803

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, ASOKAN and KAPOOR possessed stolen property in the County of New York and elsewhere, to wit, **Uma Parvati M5803**. As recently as November 23, 1994, the IFP photographed **Uma Parvati M5803** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibits 30B and 30C. KAPOOR purchased the **Uma Parvati M5803** from Sanjeeve ASOKAN during the last quarter of 2006. In a digital photograph of the **Uma Parvati M5803** recovered from a seized CD, the statue's base appears to be dirty. *See* Exhibit 30D. AOP inventoried the **Uma Parvati M5803** between November 6, 2006 and December 26, 2006. *See* Exhibit 30E. According to the information sheet, AOP valued **Uma Parvati M5803** at \$2,500,000. *See* Exhibit 30K. On July 26, 2012, DHS-HSI recovered **Uma Parvati M5803** from Sofia Storage, unit 734. *See* Exhibit 30L.

### 31. SHIVA NATARAJA M5835

GRAND LARCENY IN THE FIRST DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2007 and 2008, ASOKAN and KAPOOR possessed stolen property in the County of New York and elsewhere, to wit, **Shiva Nataraja M5835**. Under false pretenses, AOP sold **Shiva Nataraja M5835** to the NGA for \$5,000,000 in March 2008. As recently as November 23, 1994, the IFP photographed **Shiva Nataraja M5835** in the Siva Temple in Sri Purundan Village, Tamil Nadu, India. *See* Exhibit 31B. KAPOOR purchased **Shiva Nataraja M5835** from Sanjeeve ASOKAN during the first quarter of 2007. In a digital photograph of the **Shiva Nataraja M5835** recovered from a

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ADA Christopher Hirsch  
(212) 335-9175

seized CD, the statue's base appears to be wet. *See* Exhibit 31C. AOP inventoried the **Shiva Nataraja M5835** between January 4 and February 8, 2007. *See* Exhibit 31D. To facilitate a sale to the NGA, KAPOOR instructed AOP employees to create a false provenance letter purportedly from Co-Conspirator MEHGOUB stating that her husband purchased the piece in 1971 when he was a diplomat in Delhi. *See* Exhibit 31G. To support this provenance, KAPOOR created a fraudulent invoice from the "Fine Art Museum" in New Delhi stating that Co-Conspirator MEHGOUB's husband purchased **Shiva Nataraja M5835** on May 14, 1970. *See* Exhibit 31H. The NGA supplied a letter written and sent by KAPOOR during the acquisition process. The letter explained how Co-Conspirator MEHGOUB came to sell **Shiva Nataraja M5835**. It described in detail how a post-retirement Abdulla Mehgoub refused to accept any position where he was not in charge. According to the letter, Abdulla Mehgoub then became depressed and spent in excess. Following the resulting financial troubles and her husband's death, Co-Conspirator MEHGOUB sold the piece. *See* Exhibit 31I. According to a carbon invoice dated March 1, 2008, AOP sold **Shiva Nataraja M5835** to the NGA for \$5,000,000. *See* Exhibit 31F.

### 32. UMA PARVATI M6113

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and at least 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Uma Parvati M6113**, valued at \$3,500,000, in the County of New York. I observed a photograph of **Uma Parvati M6113** in the IFP photographic archive. *See* Exhibit 32A. According to the IFP archive, PZ Pattabiraman took this photograph on June 24, 1961, at the Siva Temple in Suttamalli Village, Tamil Nadu, India. KAPOOR purchased **Uma Parvati M6113** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of **Uma Parvati M6113** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is covered in dirt and corroded. *See* Exhibit 32B. According to Informant #1, KAPOOR sent **Uma Parvati M6113** to Co-Conspirator SMITH in London for restoration. AOP inventoried **Uma Parvati M6113** between May 8 and June 13, 2008. *See* Exhibit 32C. AOP advertised **Uma Parvati M6113** in AOP's March 2011 catalogue. *See* Exhibit 32D. According to the information sheet, AOP valued **Uma Parvati M6113** at \$3,500,000. *See* Exhibit 32E. As discussed in greater detail above, I believe Informant #1 and Co-Conspirators MOHAMED, SAREEN, and SAGAAR conspired to hide **Uma Parvati M6113** from law enforcement. It was never recovered.

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

### 33. SHIVAGAMI AMMAN M6118

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and at least 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Shivagami Amman M6118**, valued at \$1,750,000, in the County of New York. I observed a photograph of **Shivagami Amman M6118** in the IFP photographic archive. *See* Exhibit 33A. According to the IFP archive, PZ Pattabiraman took this photograph on June 24, 1961, at the Siva Temple in Suttamalli Village, Tamil Nadu, India. KAPOOR purchased **Shivagami Amman M6118** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of **Shivagami Amman M6118** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is covered in dust and corroded. *See* Exhibit 33B. According to Informant #1, KAPOOR sent **Shivagami Amman M6118** to Co-Conspirator SMITH in London for restoration. AOP inventoried **Shivagami Amman M6118** between May 8 and June 13, 2008. *See* Exhibit 32C. According to a price list recovered from an AOP computer, **Shivagami Amman M6118** is valued at \$1,750,000. *See* Exhibit 33D. As discussed in greater detail above, I believe Informant #1, and Co-Conspirators MOHAMED, SAREEN, and SAGAAR conspired to hide **Shivagami Amman M6118** from law enforcement. It was never recovered.

### 34. SHIVA NATARAJA M6119

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and at least 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Shiva Nataraja M6119**, valued at \$3,500,000, in the County of New York. I observed a photograph of **Shiva Nataraja M6119** in the IFP photographic archive. *See* Exhibit 34A. According to the IFP archive, PZ Pattabiraman took this photograph on June 24, 1961, at the Siva Temple in Suttamalli Village, Tamil Nadu, India. KAPOOR purchased **Shiva Nataraja M6119** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of **Shiva Nataraja M6119** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue appears to be covered in dust and corroded. *See* Exhibits 34B, 34C, and 34D. According to Informant #1, KAPOOR sent **Shiva Nataraja M6119** to Co-Conspirator SMITH in London for restoration. AOP inventoried **Shiva Nataraja M6119** between May 8 and June 13, 2008. *See* Exhibit 32C. According to the information sheet, **Shiva Nataraja M6119** is valued at \$3,500,000. *See* Exhibit 34E.

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DEFENDANTS.

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

KAPOOR listed **Shiva Nataraja M6119** in AOP's March 2010 catalogue. *See* Exhibit 34F. As discussed in greater detail above, I believe Informant #1 and Co-Conspirators MOHAMED, SAREEN, and SAGAAR conspired to hide **Shiva Nataraja M6119** from law enforcement. It was never recovered.

### 35. TRISULA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE (one count). As discussed in greater detail above, between 2008 and 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Trisula**, valued at \$35,000, in the County of New York. I observed a photograph of the **Trisula** in the IFP photographic archive. *See* Exhibit 35A. According to the IFP archive, PZ Pattabiraman took this photograph on June 24, 1961, at the Siva Temple in Suttamalli Village, Tamil Nadu, India. KAPOOR purchased the **Trisula** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of the **Trisula** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is encrusted in dirt and corroded. *See* Exhibits 35B and 35C. AOP inventoried the **Trisula** between May 8 and June 13, 2008. *See* Exhibit 35D. According to an invoice dated May 12, 2008, Co-Conspirator SMITH restored the **Trisula** for AOP for £957.80. *See* Exhibit 35E. Like in KAPOOR's inventory log, the invoice describes the **Trisula** as a "trident." *Id.* According to the information sheet, the **Trisula** is valued at \$35,000. *See* Exhibit 35F. On January 5, 2012, DHS-HSI seized the **Trisula** from AOP. *See* Exhibit 35G.

### 36. SHIVAGAMI AMMAN M6148

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Shivagami Amman M6148**, valued at \$2,000,000, in the County of New York. I observed a photograph of **Shivagami Amman M6148** in the IFP photographic archive. *See* Exhibit 36A. According to the IFP archive, PZ Pattabiraman took this photograph on June 24, 1961, at the Siva Temple in Suttamalli Village, Tamil Nadu, India. KAPOOR purchased **Shivagami Amman M6148** from Sanjeeve ASOKAN during the summer of 2008. In a digital photograph of **Shivagami Amman M6148** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is encrusted in dirt and corroded. *See* Exhibits 36B and 36C. According to Informant #1, Co-Conspirator SMITH

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Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

restored **Shivagami Amman M6148** for AOP. AOP inventoried **Shivagami Amman M6148** between July 8 and July 30, 2008. *See* Exhibit 36D. According to Informant #1, AOP valued **Shivagami Amman M6148** at \$2,000,000. On July 26, 2012, DHS-HSI seized **Shivagami Amman M6148** from Sofia Storage, unit 734. *See* Exhibit 36E.

### 37. SHIVA NATARAJA M6114

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and at least 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Shiva Nataraja M6114**, valued at \$5,000,000, in the County of New York. KAPOOR purchased **Shiva Nataraja M6114** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of **Shiva Nataraja M6114** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is encrusted in dirt and corroded. *See* Exhibit 37A. According to Informant #1, Co-Conspirator SMITH restored **Shiva Nataraja M6114** for AOP. AOP inventoried **Shiva Nataraja M6114** between May 8 and June 13, 2008. *See* Exhibit 37B. AOP published **Shiva Nataraja M6114** in AOP's March 2011 Catalogue. *See* Exhibit 37D. According to Informant #1, **Shiva Nataraja M6114** is valued at approximately \$5,000,000. As discussed in greater detail above, I believe Informant #1 and Co-Conspirators MOHAMED, SAREEN, and SAGAAR conspired to hide **Shiva Nataraja M6114** from law enforcement. It was never recovered.

### 38. UMA PARVATI M6117

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between 2008 and at least 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Uma Parvati M6117**, valued at \$2,500,000, in the County of New York. KAPOOR purchased **Uma Parvati M6117** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of **Uma Parvati M6117** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is encrusted in dirt and corroded. *See* Exhibit 38A. According to Informant #1, Co-Conspirator SMITH restored **Uma Parvati M6117** for AOP. AOP inventoried **Uma Parvati M6117** between May 8 and June 13, 2008. *See* Exhibit 37B. AOP included **Uma Parvati M6117** in AOP's March 2010 Catalogue. *See* Exhibit 38B. I recovered a post-restoration photograph of **Uma Parvati M6117** from a computer folder designated for the NGA. *See* Exhibit 38. Based on my



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FELONY  
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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

experience with this investigation, I know this means KAPOOR offered **Uma Parvati M6117** to the NGA. I also recovered an information sheet for **Uma Parvati M6117** from the NGA folder. According to the information sheet, KAPOOR valued it at \$2,500,000. *See Exhibit 38C.* As discussed in greater detail above, I believe Informant #1 and Co-Conspirators MOHAMED, SAREEN, and SAGAAR conspired to hide **Uma Parvati M6117** from law enforcement. It was never recovered.

### 39. MAYIL

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2008 and 2012, ASOKAN, KAPOOR, and SMITH possessed stolen property, to wit, the **Mayil**, valued at \$175,000, in the County of New York. KAPOOR purchased the **Mayil** from Sanjeeve ASOKAN during the second quarter of 2008. In a digital photograph of the **Mayil** recovered from a CD containing images of antiquities KAPOOR purchased from ASOKAN, the statue is encrusted in dirt and corroded. *See Exhibit 39A.* According to an invoice dated May 12, 2008, Co-Conspirator SMITH restored the **Mayil** for AOP. *See Exhibit 39B.* That invoice describes the **Mayil** as a "bronze peacock." *Id.* AOP inventoried the **Mayil** between May 8 and June 13, 2008. *See Exhibit 39C.* I recovered a post-restoration photograph of the **Mayil** from an imaged computer. *See Exhibit 39.* According to the information sheet, AOP valued the **Mayil** at \$175,000. *See Exhibit 39D.* On March 26, 2014, DHS-HSI recovered the **Mayil** from Cirkers Storage, unit 1202. *See Exhibit 39E.*

### 40. HANUMAN

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, from 2005 to 2012, KAPOOR possessed stolen property in the County of New York, to wit, the **Hanuman**, valued at \$225,000. *See Exhibit 40.* KAPOOR purchased the **Hanuman** from Chet Ram YADAV who smuggled it from India and personally brought the statue to AOP. According to Informant #1, the statue was still unclean and unrestored upon its arrival to AOP. KAPOOR purchased the **Hanuman** from YADAV for \$30,000 to \$40,000. AOP inventoried the **Hanuman** on or about November 16, 2005. *See Exhibit 40A.* A price list recovered from AOP indicates AOP valued the **Hanuman** at \$225,000. *See Exhibit 40E.* On July 26, 2012, DHS-HSI seized the **Hanuman** from Sofia Storage, unit 535. *See Exhibit 40F.*

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

#### 41. BHARHUT PILLAR

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between approximately 2006 and January 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Bharhut Pillar**, valued at \$15,000,000. *See* Exhibit 41. The **Bharhut Pillar's** owner, Ram Lakhan Singh, reported it stolen on July 19, 2004. *See* Exhibit 41D. Digital photographs recovered from the computers show the seven foot **Bharhut Pillar** cleanly broken into four pieces. *See* Exhibit 41E. It was likely broken in this manner for ease of shipment and to conceal its illegal nature as it was smuggled out of India. AOP received and inventoried the **Bharhut Pillar** in July 2006. *See* Exhibit 41I. Between KAPOOR's purchase of the **Bharhut Pillar** and June 8, 2006, Co-Conspirator SALMON restored the **Bharhut Pillar**. *See* Exhibit 41F. Documentation recovered from KAPOOR indicates AOP valued the **Bharhut Pillar** at \$15,000,000. *See* Exhibit 41K. On January 5, 2012, DHS-HSI seized the **Bharhut Pillar** from Sofia Storage, unit 736.

#### 42. STONE GANESH

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2005 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Stone Ganesha**. *See* Exhibit 42. In a digital photograph of the **Stone Ganesha** recovered from a folder of material offered by Sushil JAIN, the statue appears to be wet and has been placed on a cement floor against a white wall and next to a doorway. *See* Exhibit 42A. YADAV later offered the same piece to KAPOOR, as evidenced by a digital photograph of the **Stone Ganesha** that appears in a folder of material offered by YADAV. *See* Exhibit 42C. AOP inventoried the **Stone Ganesha** on January 18, 2006. *See* Exhibit 42D. In or about February 2006, Co-Conspirator SALMON restored the **Stone Ganesha**. *See* Exhibit 42E, no. 1. AOP loaned the **Stone Ganesha** to the Pierre Hotel in 2009. *See* Exhibit 42G. Documentation recovered from AOP indicates AOP valued the **Stone Ganesha** at \$500,000. *See* Exhibit 42H. DANY and DHS-HSI seized the **Stone Ganesha** from the Pierre Hotel on October 15, 2012.

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

#### 43. TORSO OF A CELESTIAL FIGURE

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2007, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Torso of a Celestial Figure**. *See* Exhibit 43. In a digital photograph of the **Torso of a Celestial Figure** recovered from a CD, the statue appears to have been placed against a white sheet to obscure the background and is unclean and unrestored. *See* Exhibit 43A. AOP inventoried the **Torso of a Celestial Figure** in November or December 2006. *See* Exhibit 43B. According to an invoice from Co-Conspirator SALMON to KAPOOR dated March 9, 2007, Co-Conspirator SALMON charged KAPOOR \$2,600 to restore the **Torso of a Celestial Figure** and clean “hard and heavy encrustation” and “pick out the details with ancient earth.” *See* Exhibit 43D, no. 4. Documentation recovered from AOP indicates AOP valued the **Torso of a Celestial Figure** at \$75,000. *See* Exhibit 43E. According to Informant #1, in 2007, AOP consigned the **Torso of a Celestial Figure** to Co-Conspirator PUNUSAMY, owner of Jazmin Asian Art. Informant #1 further states that PUNUSAMY never returned the piece.

#### 44. TORSO OF A DEVATA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Torso of a Devata**. *See* Exhibit 44. The Archeological Survey of India (“ASI”) photographed the **Torso of a Devata** at the Vishnu Varaha Temple in Kari Talai prior to its theft. Interpol published this photo and a report of the theft on its website. *See* Exhibit 44B. In a digital photograph of the **Torso of a Devata** recovered from a CD, the statue appears to be dirty and lying on the ground, propped on top of another object or rock. *See* Exhibit 44C. AOP inventoried the **Torso of a Devata** on or about October 28, 2006. *See* Exhibit 44D. In or about December 2006, AOP commissioned Co-Conspirator SALMON to restore the **Torso of a Devata**. *See* Exhibit 44G, no. 20 and Exhibit 44H. Documentation recovered from AOP indicates AOP valued the **Torso of a Devata** at \$450,000. *See* Exhibit 44K. DHS-HSI seized the **Torso of a Devata** from Sofia Storage, unit 734 on July 26, 2012.

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

#### 45. DANCING GANESHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2012, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Dancing Ganesha**. *See* Exhibit 45. The ASI photographed the **Dancing Ganesha** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 45B. AOP inventoried the **Dancing Ganesha** on or about October 28, 2006. *See* Exhibit 45C. In a digital photograph of the **Dancing Ganesha** recovered from a CD, the statue appears to be unclean and sitting on the floor. *See* Exhibit 45D. On or about October 30, 2006, AOP sent the **Dancing Ganesha** to Co-Conspirator SALMON for restoration. Exhibit 45D, image "M5797," also appears on an AOP computer via folder path "Services/Restorers/Salmon/061030." According to Informant #1, the "061030" folder contains images of objects that AOP sent to Co-Conspirator SALMON on or about October 30, 2006. Documentation recovered from AOP indicates AOP sold the **Dancing Ganesha** to the BUTTS. *See* Exhibit 45F. According to Informant #1, it was valued at approximately \$75,000.

#### 46. SALABHANJIKI

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2014, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Salabhanjika**. *See* Exhibit 46. The ASI photographed the **Salabhanjika** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 46B. AOP inventoried the **Salabhanjika** under inventory number M5783. *See* Exhibit 46D. AOP photographed the **Salabhanjika** upon its arrival. In that photograph, the **Salabhanjika** appears to be laying on a wood floor and is unclean. *See* Exhibit 46E. According to the photograph's metadata, it was uploaded on September 26, 2006. In or about September 2006, AOP sent the **Salabhanjika** to Co-Conspirator SALMON for restoration. *See* Exhibit 46F, no. 9. Documentation recovered from AOP indicates AOP valued the **Salabhanjika** at \$155,000. *See* Exhibit 46G. On March 26, 2014, DHS-HSI seized the **Salabhanjika** from Cirkers Storage, unit 1202. *See* Exhibit 46H.

#### 47. PAIR OF APSARAS

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2014, KAPOOR and

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Pair of Apsaras**. *See* Exhibits 47 and 47A. The ASI photographed the **Pair of Apsaras** at the Vishnu Varaha Temple in Kari Talai prior to their theft. *See* Exhibit 47C. AOP inventoried the **Pair of Apsaras** as inventory numbers M5784 and M5785. *See* Exhibit 46D. AOP photographed the **Pair of Apsaras** upon their arrival. In those photographs, the **Pair of Apsaras** appear to be standing on a wood floor, leaning against a wall, and are unclean. *See* Exhibits 47D and 47E. According to the photographs' metadata, they were uploaded on September 26, 2006. In September 2006, AOP sent the **Pair of Apsaras** to Co-Conspirator SALMON for restoration. I recovered Exhibits 47D and 47E from the imaged computer via the folder path "Services/Restorers/Salmon/060926-received." Documentation recovered from AOP indicates that AOP valued the **Pair of Apsaras** at \$95,000 each. *See* Exhibit 47G.

#### 48. DIVINE COUPLE

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2014, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Divine Couple**. *See* Exhibit 48. The ASI photographed the **Divine Couple** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 48B. AOP inventoried the **Divine Couple** under inventory number M5786. *See* Exhibit 46D. AOP photographed the **Divine Couple** upon its arrival. In that photograph, the **Divine Couple** appears to have encrustations on the surface, particularly around the legs. *See* Exhibit 48C. According to the photograph's metadata, it was uploaded on September 26, 2006. On or about September 26, 2006, AOP sent the **Divine Couple** to Co-Conspirator SALMON for restoration; according to Informant #1, KAPOOR wanted Co-Conspirator SALMON to remove evidence of the **Divine Couple's** recent theft and make it marketable. Exhibit 48C, also appears on a forensic image of an AOP computer in the folder path "Services/Restorers/Salmon/060926-received." Documentation recovered from AOP indicates that AOP valued the **Divine Couple** at \$75,000. *See* Exhibit 47G. On March 26, 2014, DHS-HSI seized the **Divine Couple** from Cirkers Storage, unit 1202.

#### 49. CELESTIAL FIGURE

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2007, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

**Celestial Figure.** *See* Exhibit 49. The ASI photographed the **Celestial Figure** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 49B. AOP inventoried the **Celestial Figure** under inventory number M5805. *See* Exhibit 43B. AOP photographed the **Celestial Figure** upon its arrival. In that photograph, the **Celestial Figure** appears unclean, is missing the toe portion of the front foot, and is sitting on the floor propped against a wooden cabinet. *See* Exhibit 49D. According to the photograph's metadata, it was uploaded on September 26, 2006. According to an invoice dated March 9, 2007, Co-Conspirator SALMON charged KAPOOR \$2,250 to restore the **Celestial Figure**. *See* Exhibit 43D, no. 2. Documentation recovered from AOP indicates AOP valued the **Celestial Figure** at \$75,000. *See* Exhibit 49G. In May 2007, AOP consigned the **Celestial Figure** to Co-Conspirator PUNUSAMY. Informant #1 does not recall the **Celestial Figure** returning to AOP.

#### 50. APSARA WITH LOTUS

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2014, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Apsara with Lotus**. *See* Exhibit 50. The ASI photographed the **Apsara with Lotus** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 50B. AOP inventoried the **Apsara with Lotus** under inventory number M5806. *See* Exhibit 43B. AOP photographed the **Apsara with Lotus** upon its arrival. In that photograph, the **Apsara with Lotus** appears to be unclean, unrestored, and is sitting on the floor and propped against a wooden cabinet. *See* Exhibit 50C. AOP sent the **Apsara with Lotus** to Co-Conspirator SALMON for restoration. On March 9, 2007, Co-Conspirator SALMON sent KAPOOR an invoice charging KAPOOR \$750.00 "[t]o rejoin broken section of backplate on third yakshi., filled and disguised repair . Brought up colour of stone." *See* Exhibit 43D, no. 3. According to the photograph's metadata, it was uploaded on September 26, 2006. Documentation recovered from AOP indicates AOP valued the **Apsara with Lotus** at \$75,000. *See* Exhibit 50D. On March 26, 2014, DHS-HSI seized the **Apsara with Lotus** from Cirkers Storage, unit 1202. *See* Exhibit 50E.

#### 51. CELESTIAL PULLING THORN

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between 2006 and 2014, KAPOOR and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the

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Aditya Prakash (M 50), Vallabh Prakash (M 89),  
Richard Salmon (M 63), and Neil Perry Smith (M 56)

DEFENDANTS.

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(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

**Celestial Pulling Thorn.** *See* Exhibit 51. The ASI photographed the **Celestial Pulling Thorn** at the Vishnu Varaha Temple in Kari Talai prior to its theft. *See* Exhibit 51B. AOP inventoried the **Celestial Pulling Thorn** under inventory number M5807. *See* Exhibit 43B. AOP photographed the **Celestial Pulling Thorn** upon its arrival. In that photograph, the **Celestial Pulling Thorn** appears to be sitting on a wooden floor and propped against a wooden cabinet. *See* Exhibit 51C. According to the photograph's metadata, it was uploaded on September 26, 2006. On or about February 8, 2007, KAPOOR sent the **Celestial Pulling Thorn** to Co-Conspirator SALMON for restoration. I observed a copy of Exhibit 51C, digital image "M5807," on an AOP computer via the digital folder path "Services/Restorers/Salmon/070208." Documentation recovered from AOP indicates AOP valued the **Celestial Pulling Thorn** at \$225,000. *See* Exhibit 51E, no. 63. In the fall of 2011, AOP shipped the **Celestial Pulling Thorn** to London for AOP's Asia Week exhibition. KAPOOR was arrested en route to this exhibition. The **Celestial Pulling Thorn's** current whereabouts are unknown.

## 52. STELE OF VARAHA

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 1996 and 2001, KAPOOR and SHANTOO possessed stolen property in the County of New York and elsewhere, to wit, the **Stele of Varaha**. AOP then sold the **Stele of Varaha** under false pretenses to the TMA for \$225,000. According to Informant #1, Informant helped unpack the **Stele of Varaha** and observed that it had been packed hastily and unprofessionally. AOP inventoried the **Stele of Varaha** under inventory number M2821 on or about March 20, 1996. *See* Exhibit 52A. AOP's inventory photograph of the **Stele of Varaha** shows the piece covered in dirt and unrestored. *See* Exhibit 52B. AOP created false provenance for the **Stele of Varaha** claiming Co-Conspirator PUNUSAMY purchased it from a private collector who had possessed the piece since the 1950's or 1960's. *See* Exhibit 52D. According to Informant #1, this is false; AOP purchased the **Stele of Varaha** from SHANTOO. In May 2001, relying on this false provenance, AOP sold the **Stele of Varaha** to the TMA for \$225,000. *See* Exhibit 52F. In approximately December 2016, the TMA repatriated the **Stele of Varaha** to the Republic of India.

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Richard Salmon (M 63), and Neil Perry Smith (M 56)  
DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

### 53. NAGARAJA

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2000 and 2006, KAPOOR, SALMON and SHANTOO possessed stolen property in the County of New York and elsewhere, to wit, the **Nagaraja**. *See* Exhibit 53. AOP then sold the **Nagaraja** under false pretenses to the NGA for \$337,500. In digital photographs of the **Nagaraja** recovered from a CD, the statue appears in front of an object in a burlap sack and appears to have been doused in water. *See* Exhibit 53A. According to Informant #1, the **Nagaraja** was subsequently cleaned and restored by Co-Conspirator SALMON to hide any evidence of its recent theft. AOP inventoried the **Nagaraja** under inventory number M3876 in April 2000. *See* Exhibit 53D. Co-Conspirator PUNUSAMY obtained false provenance for the **Nagaraja** for KAPOOR. That false letter of provenance is signed by Ranjit Oka and claims Oka's husband purchased it in 1969 and possessed the piece in Japan since that time. *See* Exhibit 53F. According to Informant #1, this is false; AOP purchased the **Nagaraja** from SHANTOO. In April 2006, relying on this false provenance, AOP sold the **Nagaraja** to the NGA for \$337,500. *See* Exhibit 53H. The **Nagaraja** remains at the NGA.

### 54. KUBERA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between approximately 2002 and 2012, KAPOOR, SALMON and SHANTOO possessed stolen property in the County of New York and elsewhere, to wit, the **Kubera**. *See* Exhibit 54. In digital photographs of the **Kubera** recovered from a CD, the statue appears in front of a sheet obscuring the background and appears to be unclean and recently wet. *See* Exhibit 54A and 54B. AOP imported the **Kubera** from India and inventoried the **Kubera** under inventory number M4513. *See* Exhibits 54C and 54D. In or about September 16, 2002, Co-Conspirator SALMON restored the **Kubera** for KAPOOR. *See* Exhibit 54F and Exhibit 54G. AOP created false provenance for the **Kubera** signed by Dr. Robert Walzer and claiming Walzer purchased the statue in 1970, possessing the piece in New York since that time. *See* Exhibit 54I. KAPOOR also created a fraudulent invoice to corroborate the fictitious sale. *See* Exhibit 54J. According to Informant #1, the provenance and invoice are a deception; AOP purchased the **Kubera** from SHANTOO. Documentation recovered from AOP shows



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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

AOP valued the **Kubera** at \$1,500,000. *See* Exhibit 54K. On January 5, 2012, DHS-HSI seized the **Kubera** from Sofia Storage, unit 535.

### 55. LINGA

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2002 and 2008, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Linga**. *See* Exhibit 55. AOP then sold the **Linga** under false pretenses to the BMA for \$225,000. I recovered a digital image showing two photographs of the **Linga** from the “indo-nepal” folder. The photographs show the piece wet and with its background obscured. *See* Exhibit 55A. According to emails between KAPOOR and Aditya PRAKASH and shipping records, I know AOP received the **Linga** on or about July 22, 2002. *See* Exhibits 55B and 55C. AOP inventoried the **Linga** under inventory number M4515 after receiving the piece. *See* Exhibit 55D. According to an invoice dated September 16, 2002, Co-Conspirator SALMON restored a “large granite Lingam” for KAPOOR. *See* Exhibit 54F, no 9. AOP created a fraudulent provenance letter for the **Linga**, signed by Co-Conspirator MOHAMED, claiming MOHAMED’s parents acquired the **Linga** in the 1960’s and gifted it to MOHAMED in 1999. *See* Exhibit 55G. According to Informant #1, this is false; MOHAMED was KAPOOR’s girlfriend at the time, and AOP purchased the **Linga** from the PRAKASHES. In October 2008, relying on this false provenance, KAPOOR sold the **Linga** to the BMA for \$225,000. *See* Exhibit 55H. In August 2018, the BMA voluntarily surrendered the **Linga** to DANY. On September 4, 2018, DANY repatriated the **Linga** to the Republic of India.

### 56. PALLAVA SHIVA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2003 and 2012, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Pallava Shiva** valued at \$650,000. *See* Exhibit 56. On October 15, 2000, Dr. S. Meyyappan published a photograph of the **Pallava Shiva** in Tamil Nadu, India.<sup>46</sup> While this publication does not include the date

<sup>46</sup> Meyyappan, S., “Tadayam,” Manivasagar Publishing, no. 792 (2000).

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

this photograph was taken, it proves the **Pallava Shiva** came from Tamil Nadu. *See* Exhibit 56A and 56B (translation). A digital file recovered from the “indo-nepal” folder contains two photographs of the **Pallava Shiva**. The photographs show it wet, unclean, and with its background obscured. *See* Exhibit 56C. The PRAKASHES sold the **Pallava Shiva** to KAPOOR. AOP inventoried the **Pallava Shiva** under inventory number M4586 in November 2002. *See* Exhibit 56D. According to an invoice from Co-Conspirator SALMON to KAPOOR dated March 13, 2003, Co-Conspirator SALMON charged KAPOOR \$2,150 to clean, restore, and mount the **Pallavi Shiva**. *See* Exhibit 56F, no. 5. Documents recovered from AOP show that AOP valued the **Pallavi Shiva** at \$650,000. *See* Exhibit 56E. On July 26, 2012, DHS-HSI seized the **Pallava Shiva** from Sofia Storage, unit 734. *See* Exhibit 56G.

#### 57. BALASUBRAHMANYA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2003 and 2012, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Balasubrahmanya** valued at \$225,000. *See* Exhibit 57. A digital photograph of the **Balasubrahmanya** recovered from the “indo-nepal” folder shows it wet, covered in dirt, and with its background obscured. *See* Exhibit 57A. The PRAKASHES sold the **Balasubrahmanya** to KAPOOR. AOP inventoried the **Balasubrahmanya** under inventory number M4587 in November 2002. *See* Exhibit 56D. On or about March 13, 2003, Co-Conspirator SALMON cleaned and restored the **Balasubrahmanya**. *See* Exhibit 56F. Documents recovered from AOP show that AOP valued the **Balasubrahmanya** at \$225,000. *See* Exhibit 57B. On July 26, 2012, DHS-HSI seized the **Balasubrahmanya** from Sofia Storage, unit 535. *See* Exhibit 57C.

#### 58. DRUM PILASTER

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2003 and 2010, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Drum Pilaster**. *See* Exhibit 58. AOP then sold the **Drum Pilaster** under false pretenses to the Louvre Abu Dhabi for \$750,000. A digital photograph of the **Drum Pilaster** recovered from the “indo-nepal” folder shows it unclean, in a dimly lit room, and broken horizontally. *See* Exhibit 58A. The subfolder containing this

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

photograph was labeled "030716," or July 16, 2003. AOP inventoried the **Drum Pilaster** under inventory number M4677. *See* Exhibit 58B. According to an invoice dated November 14, 2003, Co-Conspirator SALMON restored the **Drum Pilaster**. *See* Exhibit 58D. AOP created a fraudulent provenance letter for the **Drum Pilaster**, signed by Co-Conspirator MOHAMED, claiming MOHAMED's parents acquired the **Drum Pilaster** in 1970 in New Delhi. *See* Exhibit 58E. According to Informant #1, KAPOOR used blank Indian Fine Arts letterhead and an old typewriter to forge an invoice to corroborate this fictitious sale. *See* Exhibit 58F. According to Informant #1, the provenance and invoice are fraudulent; Co-Conspirator MOHAMED was KAPOOR's girlfriend at the time, and AOP purchased the **Drum Pilaster** from the PRAKASHES. In January 2010, relying on this false provenance, AOP sold the **Drum Pilaster** to the Louvre Abu Dhabi for \$750,000. *See* Exhibit 58G. The Louvre Abu Dhabi still possess the **Drum Pilaster**.

#### 59. CHANDIKESHEVAR

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). Between in or about 2004 and in or about 2007, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Chandikeshavar**. *See* Exhibit 59. AOP sold the **Chandikeshavar** under false pretenses to Private Collector #3 for \$400,000. Digital photographs of the **Chandikeshavar** recovered from the "indo-nepal" folder showed the **Chandikeshavar** unclean, covered in encrustations, and unrestored. *See* Exhibits 59A and 59B. The subfolder containing these photographs was labeled "040911," or September 11, 2004. The PRAKASHES sold the **Chandikeshavar** to KAPOOR. AOP received the **Chandikeshavar** and assigned it inventory number M4939. *See* Exhibit 59C. According to Informant #1, KAPOOR commissioned Co-Conspirator SMITH to disguise evidence of the **Chandikeshavara's** recent looting and sent the **Chandikeshavara** to Co-Conspirator SMITH in London. *See* Exhibit 59E. KAPOOR (or others at AOP at his direction) created a false letter of provenance for the **Chandikeshavar** signed by Dr. Leo Figiel and claiming purchased the **Chandikeshavar** while travelling in India during the 1960's. *See* Exhibit 59F. According to Informant #1, Figiel and KAPOOR had an agreement under which KAPOOR would provide Figiel with appraisals in exchange for Figiel's signature on false provenance documents. According to an invoice found on an AOP computer, AOP sold the **Chandikeshavar** to Celadon Green Limited for \$400,000 on or about December 5, 2007.

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

*See* Exhibit 59G. According to Informant #1, Celadon Green acted on behalf of Private Collector #3, whose identity is known to DANY. The **Chandikeshavar's** whereabouts are currently unknown.

#### 60. SHIVA NATARAJA M5528

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). Between in or about 2006 and at least 2007, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Shiva Nataraja M5528**. *See* Exhibit 60. Digital photographs of **Shiva Nataraja M5528** recovered from the "indo-nepal" folder showed **Shiva Nataraja M5528** unclean and placed against a black backdrop; one of its left arms appears to have been sawn off. *See* Exhibit 60A. The subfolder containing these photographs was labeled "051206," or December 6, 2005. The PRAKASHES sold **Shiva Nataraja M5528** to KAPOOR. AOP received **Shiva Nataraja M5528** and assigned it inventory number M5528 on or about March 23, 2006. *See* Exhibit 59C. According to a customs invoice dated December 30, 2005, AOP sent several pieces, including **Shiva Nataraja M5528**, to Co-Conspirator SMITH in London for restoration. *See* Exhibit 60D. AOP published **Shiva Nataraja M5528** on the cover of AOP's March 2007 catalogue. *See* Exhibit 60H. According to documents recovered from an imaged computer, AOP valued **Shiva Nataraj M5528** at \$2,000,000. *See* Exhibit 60I. According to Informant #1, it was discovered that **Shiva Nataraja M5528** had been stolen. Upon learning this, KAPOOR flew to Hong Kong to discuss the matter with his Indian co-conspirators. At this meeting, it was decided that KAPOOR would return the statue before its theft drew unwanted attention. To avoid additional scrutiny, KAPOOR sent **Shiva Nataraja M5528** to Hong Kong where his co-conspirators could conceal its return to India. According to Informant #1, Informant #1 knows this from conversations with KAPOOR and also because Informant #1 helped arrange **Shiva Nataraja M5528's** shipment to Hong Kong.

#### 61. WORSHIPPERS RELIEF

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2002 and 2005, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Worshippers Relief**. *See* Exhibit 61. AOP then

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

sold the **Worshippers Relief** under false pretenses to the NGA for \$585,000. The **Worshippers Relief** once adorned the Chadavaram Stupa in Andhra Pradesh, India. Dr. Akira Shimada photographed the **Worshippers Relief** in the Chadavaram Stupa Museum in October 1996. *See* Exhibit 61D. A photograph of the **Worshippers Relief** recovered from AOP shows it broken into two pieces. *See* Exhibit 61E. AOP inventoried the **Worshippers Relief** under inventory number M5378 in or about April 2002. *See* Exhibit 61G. According to Informant #1, KAPOOR commissioned Co-Conspirator SALMON to clean and restore the **Worshippers Relief** to hide any evidence of its recent looting. According to a letter from Co-Conspirator SALMON dated March 13, 2003, Co-Conspirator SALMON restored a "Dancers Relief Amitavati" that "was broken in half vertically." *See* Exhibit 61H. According to an invoice dated June 12, 2002, Co-Conspirator SALMON charged KAPOOR \$2,000 to restore the "Amitabha Stone panel." *See* Exhibit 61I, no. 2. AOP created a fraudulent provenance letter for the piece stating that it was acquired by a private collector in Japan in 1969. Co-Conspirator PUNUSAMY signed the letter. *See* Exhibit 61M. KAPOOR also forged an "original" purchase invoice on old letterhead from Uttam Singh & Sons to corroborate the letter, stating that Mr. Etsuo Ohtsuka of Tokyo, Japan acquired the **Worshippers Relief** on October 16, 1969. *See* Exhibit 61N. According to Informant #1, the provenance and invoice are fraudulent; AOP purchased the **Worshippers Relief** from the PRAKASHES. In May 2005, relying on this false provenance, AOP sold the **Worshippers Relief** to the NGA for \$585,000. *See* Exhibit 61P. In 2016, the NGA repatriated the **Worshippers Relief** to the Republic of India.

## 62. PRATYANGIRA

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2002 and 2008, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Pratyangira**. *See* Exhibit 62. AOP then sold the **Pratyangira** under false pretenses to the NGA for \$247,000. I observed *in situ* photographs of the **Pratyangira** in the IFP's photographic archive. On March 4, 1974, PZ Pattabiraman took the most recent IFP archive photograph of the **Pratyangira** at the Vriddhagiriswarar Temple, in Vriddhachalam, Tamil Nadu, India. *See* Exhibit 62C. A digital photograph of the **Pratyangira** recovered from the "indo-nepal" folder shows it wet, propped up on rocks, and with its background obscured. *See* Exhibits 62D and 62E. AOP inventoried the **Pratyangira**

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DEFENDANTS.

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ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

under inventory number M4552 in October 2002. *See* Exhibit 62G. According to an invoice from Co-Conspirator SALMON dated December 2, 2002, Co-Conspirator SALMON restored the **Pratyangira** described as a "Siva Parvati." *See* Exhibit 62I, nos. 4 and 5. AOP created a fraudulent provenance letter for the **Pratyangira**, signed by Co-Conspirator MOHAMED, claiming MOHAMED's parents acquired the **Pratyangira** in 1971 from Kangra Art Palace. *See* Exhibit 62K. According to Informant #1, KAPOOR used blank Kangra Art Palace letterhead and an old typewriter to forge an invoice to corroborate this fictitious sale. According to Informant #1, the provenance and invoice are fraudulent; Co-Conspirator MOHAMED was KAPOOR's girlfriend at the time, and AOP purchased the **Pratyangira** from the PRAKASHES. In October 2008, relying on this false provenance, AOP sold the **Pratyangira** to the NGA for \$247,000. *See* Exhibit 62L. In September 2016, the NGA and the Government of Australia returned the **Pratyangira** to the Republic of India.

### 63. ARDHANARI

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2002 and 2004, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, the **Ardhanari**. *See* Exhibit 63. AOP then sold the **Ardhanari** under false pretenses to the Art Gallery of New South Wales for \$225,000. I observed *in situ* photographs of the **Ardhanari** in the IFP's photographic archive. On March 4, 1974, PZ Pattabiraman took the most recent IFP archive photograph of the **Ardhanari** at the Vriddhagiriswarar Temple, in Vriddhachalam, Tamil Nadu, India. *See* Exhibit 63C. Digital photographs of the **Ardhanari** recovered from the "indo-nepal" folder shows it wet and with its background obscured. *See* Exhibits 63D and 63E. AOP inventoried the **Ardhanari** under inventory number M4553 in October of 2002. *See* Exhibit 62G. According to an invoice from Co-Conspirator SALMON dated December 2, 2002, Co-Conspirator SALMON restored the **Ardhanari**, described as a "Narasimi." *See* Exhibit 62I, nos. 4 and 5. AOP created a fraudulent provenance letter for the **Ardhanari**, signed by Co-Conspirator MEHGOUB, claiming MEHGOUB's husband acquired the **Ardhanari** between 1968 and 1971. *See* Exhibit 63G. According to Informant #1, KAPOOR used blank Uttam Singh and Sons letterhead and an old typewriter to forge an invoice to corroborate this fictitious sale. *See* Exhibit 63H. According to Informant #1, the provenance and invoice are a deception; AOP purchased the

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DEFENDANTS.

FELONY  
(ARREST WARRANT)

ADA Matthew Bogdanos  
(212) 335-9323

ADA Christopher Hirsch  
(212) 335-9175

**Ardhanari** from the PRAKASHES. In June 2004, relying on this false provenance, AOP sold the **Ardhanari** to the Art Gallery of New South Wales for \$225,000. *See* Exhibit 63I. In 2014, the Government of Australia returned the **Ardhanari** to the Republic of India.

#### 64. DWARAPALAS

GRAND LARCENY IN THE SECOND DEGREE (one count) and CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2002 until 2005, KAPOOR, Aditya PRAKASH, Vallabh PRAKASH, and SALMON possessed stolen property in the County of New York and elsewhere, to wit, a pair of **Dwarapalas**. *See* Exhibit 64. AOP then sold the **Dwarapalas** under false pretenses to the NGA for \$495,000. Digital photographs of the **Dwarapalas** recovered from the “indo-nepal” folder shows them wet, propped up on bricks, and with their backgrounds obscured. *See* Exhibits 64A and 64B. AOP inventoried the **Dwarapalas** under inventory number M4585 in November 2002. *See* Exhibit 56D. According to an invoice from Co-Conspirator SALMON to KAPOOR dated March 13, 2003, Co-Conspirator SALMON restored several pieces including a pair of stone dancers (the **Dwarapalas**). *See* Exhibit 56F, no. 4. AOP created a fraudulent provenance letter for the **Dwarapalas**, signed by Co-Conspirator MOHAMED, claiming MOHAMED’s parents acquired the **Dwarapalas** in 1971 from Krishnakoli Gallery. *See* Exhibit 64D. According to Informant #1, KAPOOR used blank Krishnakoli Gallery letterhead and an old typewriter to forge an invoice to corroborate this fictitious sale. *See* Exhibit 64E. According to Informant #1, the provenance and invoice are fraudulent; Co-Conspirator MOHAMED was KAPOOR’s girlfriend at the time, and AOP purchased the **Dwarapalas** from the PRAKASHES. In August 2005, relying on this false provenance, AOP sold the **Dwarapalas** to the NGA for \$495,000. *See* Exhibit 64F. The NGA still possess the **Dwarapalas**.

#### 65. DANCING KRISHNA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2005 and 2014, DAYAL, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Dancing Krishna** valued at \$450,000. *See* Exhibit 65. A digital photograph of the **Dancing Krishna** recovered from the “Dean Dayal” folder shows it covered with dirt and encrustations and missing its base and left foot. *See* Exhibit 65A. DAYAL sold the **Dancing Krishna** to KAPOOR. AOP inventoried the **Dancing Krishna**

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Richard Salmon (M 63), and Neil Perry Smith (M 56)  
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(212) 335-9323

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under inventory number M5371 on December 7, 2005. *See* Exhibit 65B. According to Informant #1 and documents seized from KAPOOR, KAPOOR sent the Dancing Krishna to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. *See* Exhibit 65C. Photographs taken during the restoration process show the statue being fitted with a new base and feet. *See* Exhibit 65D. Post-restoration photos show the piece with the new base and feet attached. *See* Exhibit 65E. Documents recovered from AOP show that AOP valued the **Dancing Krishna** at \$450,000. *See* Exhibit 65H. On March 26, 2014, DHS-HSI recovered the **Dancing Krishna** from Cirkers Storage, unit 1202. *See* Exhibit 65I.

#### 66. STANDING BRONZE DEVI M5372

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2005 and at least 2012, DAYAL, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Standing Bronze Devi M5372** valued at \$375,000. *See* Exhibit 66. A digital photograph of **Standing Bronze Devi M5372** recovered from the "Dean Dayal" folder shows it covered with dirt and encrustations and missing its base and both feet. *See* Exhibits 66A and 66B. DAYAL sold **Standing Bronze Devi M5372** to KAPOOR. AOP inventoried **Standing Bronze Devi M5372** under inventory number M5372 on December 7, 2005. *See* Exhibit 65B. According to Informant #1 and documents seized from KAPOOR, KAPOOR sent **Standing Bronze Devi M5372** to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. *See* Exhibit 65C. Photographs taken during the restoration process show the statue was fitted with a new foot and base. *See* Exhibit 66D. Post-restoration photographs show the piece with the new base and feet attached. *See* Exhibit 66. Documents recovered from AOP show that AOP valued **Standing Bronze Devi M5372** at \$375,000. *See* Exhibit 66E. **Standing Bronze Devi M5372's** current whereabouts are unknown.

#### 67. STANDING BRONZE DEVI M5373

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2005 and at least 2012, DAYAL, KAPOOR, and SMITH possessed stolen property in the County of New York and elsewhere, to wit, **Standing Bronze Devi M5373** valued at \$250,000. *See* Exhibit 67. A digital photograph of **Standing Bronze Devi M5373** recovered from the "Dean Dayal" folder shows it covered with dirt and encrustations and missing its base and both feet.



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*See* Exhibit 67A. DAYAL sold **Standing Bronze Devi M5373** to KAPOOR. AOP inventoried **Standing Bronze Devi M5373** under inventory number M5373 on December 7, 2005. *See* Exhibit 65B. According to Informant #1 and documents seized from KAPOOR, KAPOOR sent **Standing Bronze Devi M5373** to Co-Conspirator SMITH in London to disguise evidence of its recently having been stolen. Photographs taken during the restoration process show the statue being fitted with a new base and feet. *See* Exhibit 67B. Post-restoration photos show the piece with the new base and feet attached. *See* Exhibit 67. According to Informant #1, AOP valued the **Standing Bronze Devi M5373** at \$250,000. **Standing Bronze Devi M5373's** current whereabouts are unknown.

#### 68. UMA PARAMESHVARI M5377

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE (one count). As discussed in greater detail above, between approximately 2005 and 2014, DAYAL, KAPOOR, and SMITH possessed stolen property in the County of New York, to wit, **Uma Parameshvari M5377** valued at \$750,000. *See* Exhibit 68. A digital photograph of **Uma Parameshvari M5377** recovered from the "Dean Dayal" folder shows it covered with dirt and encrustations. *See* Exhibit 68A. DAYAL sold **Uma Parameshvari M5377** to KAPOOR. AOP inventoried **Uma Parameshvari M5377** under inventory number M5377 on December 7, 2005. *See* Exhibit 65B. On or about June 14, 2006, AOP sent **Uma Parameshvari M5377** to Co-Conspirator SMITH in London. *See* Exhibit 68C. Documents recovered from AOP show that AOP valued **Uma Parameshvari M5377** at \$750,000. *See* Exhibit 68D. On March 26, 2014, DHS-HSI recovered **Uma Parameshvari M5377** from Cirkers Storage, unit 1202.

#### 69. NAGA BUDDHA

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE (one count). As discussed in greater detail above, between approximately 2010 and 2012, KAPOOR and SMITH possessed stolen property in the County of New York and elsewhere, to wit, the **Naga Buddha** valued at \$1,200,000. *See* Exhibit 69. According to Informant #2, KAPOOR admitted to Informant #2 that the **Naga Buddha** originated from Cambodia, and that KAPOOR smuggled the piece into the United States by claiming it originated from Thailand. I am further informed by Informant #2 that KAPOOR claimed the **Naga Buddha** had been broken into "fifty" pieces and was restored. According to an invoice dated March 23, 2009, AOP commissioned Co-Conspirator SMITH to restore the **Naga Buddha**. *See*

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Exhibit 69A. AOP inventoried the **Naga Buddha** under inventory number M6282 on or after August 27, 2010. *See* Exhibit 69D. According to Informant #2 and documents recovered from AOP, AOP valued the **Naga Buddha** at \$1,200,000. *See* Exhibit 69F. On January 5, 2012, DHS-HSI recovered the **Naga Buddha** from AOP. *See* Exhibit 69G.

## 70. SCHEME TO DEFRAUD

SCHEME TO DEFRAUD IN THE FIRST DEGREE (one count). As discussed in greater detail above, from at least 2001 to at least 2010 in the County of New York and elsewhere, KAPOOR, SMITH, and SALMON engaged in a systematic ongoing course of conduct with intent to defraud one or more persons by false or fraudulent pretenses and in doing so obtained property valued at over \$1,000 from at least one of those persons. KAPOOR engaged in an ongoing scheme where he obtained stolen antiquities from their countries of origin. SMITH and SALMON cleaned and restored the stolen antiquities to conceal the fact of their theft. KAPOOR then systematically created false provenances and fraudulent documentation to support these provenances. KAPOOR engaged in this systematic, ongoing course of conduct to make the following sales:

1. The 2001 sale of the **Stele of Varaha** to the TMA for \$225,000.
2. The 2004 sale of the **Ardhanari** to the Art Gallery of New South Wales for \$225,000.
3. The 2005 sale of the **Dwarapalas** to the NGA for \$495,000.
4. The 2005 sale of the **Worshippers Relief** to the NGA for \$585,000.
5. The 2006 sale of the **Bronze Ganesh** to the TMA for \$275,000.
6. The 2006 sale of the **Saint Manikkavachakar** to Private Collector #2 for \$650,000.
7. The 2006 sale of the **Nagaraja** to the NGA for \$337,500.
8. The 2007 sale of **Uma Parameshvari M5354** to the ACM for \$650,000.
9. The 2007 sale of the **Chandikeshevar** to Private Collector #3 for \$400,000.
10. The 2008 sale of **Shiva Nataraja M5835** to the NGA for \$5,000,000.
11. The 2008 sale of the **Pratyangira** to the NGA for \$247,000.
12. The 2008 sale of **Qur'anic Wall Tile M5633** to Princeton University for \$40,500.
13. The 2008 consignment of the **Seated Devi** to Georgia Chrischilles for \$95,000.
14. The 2008 sale of the **Linga** to the BMA for \$225,000.
15. The 2010 sale of the **Drum Pilaster** to the Louvre Abu Dhabi for \$750,000.

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## **D. PATRIMONY LAWS**

### **1. Republic of India**

I am informed by Raj Kumar Dubey that Mr. Dubey is a lawyer in the Republic of India and the Managing Partner of the law firm Dubey & Partners. Mr. Dubey is familiar with the cultural property laws of the Republic of India, including the Antiquities and Art Treasures Act of 1972 and Antiquities and Art Treasure Rules of 1973. According to Mr. Dubey, the Antiquities and Art Treasures Act of 1972 (the "Act") governs the export of antiquities from India. Section three of the Act prohibits anyone, other than the Central Government and its authorized agents, from exporting any antiquity from India. While the Act does not assert state ownership of all antiquities within India's borders, violation of Section three of the Act is punishable by confiscation of the antiquity in question and up to three years in prison.

According to Dr. D.N. Dimri, Director of the Antiquities Section for the ASI, antiquities may only be exported from the Republic of India with a proper permit from the ASI. I am informed by Dr. Dimri that the ASI only issues export permits for antiquities approved for foreign exhibitions with the expectation that they will return once the exhibition ends. The ASI does not issue export permits to "private individuals/collectors/dealers/export-import firms or other commercial entities." *See* Exhibit 70 (Letter dated February 14, 2019).

### **2. Islamic Republic of Afghanistan**

I am informed by Terressa ("Tess") Davis, the Executive Director of the Antiquities Coalition, an affiliate of the Scottish Centre for Crime and Justice Research at the University of Glasgow, an Adjunct Lecturer at Johns Hopkins University, and a member of the New York State Bar, J.D. University of Georgia School of Law, B.A. in Archaeology, Boston University, that she has conducted extensive field research on the illegal trade in Asian antiquities, as well as legal research on the region's cultural property laws. Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Afghanistan, including the 1980 Law on the Protection of Historical and Cultural Office or storage locations as modified in 2004 (also known in English as the Law on the Preservation of the Historical and Cultural Heritage), and its predecessor, the 1958 Code for the Protection of Antiquities. According to Ms. Davis, this legal regime provides

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extensive legal protections to cultural heritage and moreover vests ownership of antiquities in the state.

According to Majeedullah Qarar, Cultural Attache of the Embassy of the Islamic Republic of Afghanistan, the antiquities depicted in Exhibits 1 – 19 are the property of the Islamic Republic of Afghanistan. Mr. Qarar states that “[t]he Islamic Republic of Afghanistan has never relinquished ownership of the Subject Pieces, nor has the Islamic Republic of Afghanistan ever transferred ownership of the Subject Pieces to any third party.” *See* Exhibit 71 (Letter dated February 7, 2019). On behalf of the Islamic Republic of Afghanistan, Mr. Qarar respectfully demands the return of the antiquities depicted in Exhibits 1 – 19. *Id.*

### 3. Kingdom of Cambodia

I am further informed that Ms. Davis is familiar with Cambodian law governing cultural patrimony, including, inter alia, Arrêté du Gouverneur Général de l’Indochine sur la conservation des monuments et objets ayant un intérêt historique ou artistique du 9 mars 1900; Arrêté relative au classement, à la conservation et à la protection des monuments historiques des pays de protectorat du 11 juillet 1925; 1968 Law on the Organization of Suppressing the Acts of Stealing, Receipt of Stolen Goods, and Destruction of Patrimony Relating to the National Heritage; 1992 Land Law; 1996 Law on the Protection of Cultural Heritage; and the 2001 Land Law. According to Ms. Davis, this legal regime provides extensive legal protections for Cambodia’s cultural patrimony and vests ownership of art and archaeological objects in the state, regardless of whether or not these objects are classified, or when they were removed from the country.

According to Chuch Phoeurn, Secretary of State for Ministry of Culture of the Kingdom of Cambodia, antiquities may not be excavated or exported from the Kingdom of Cambodia without official approval of Cambodian authorities. Mr. Phoeurn further states that the **Naga Buddha’s** export violates Cambodian law, and there is no record of its export ever having been approved. The Kingdom of Cambodia respectfully demands the **Naga Buddha’s** return. *See* Exhibit 72 (Letter dated February 1, 2019).

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4. Islamic Republic of Pakistan

I am further informed that Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Pakistan, including the 1975 Antiquities Act (as amended in 1992), and its predecessors the Antiquities Act of 1968 and Ancient Monuments Preservation Act of 1904. According to Ms. Davis, this legal regime provides extensive legal protections to Pakistan's archaeological sites and objects, and vests ownership of undiscovered antiquities in the state.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

Brenton Easter  
Special Agent Brenton Easter

7-8-11  
Date

1434 L  
Time