

JUDGE CARTEK

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
- v. - :
GUNJIT MALHOTRA, :
GURJEET SINGH, and :
JAS PAL, :
Defendants. :
- - - - - X

INDICTMENT

19 CRIM 411

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: JUN 04 2019

COUNT ONE

(Conspiracy to Commit Mail Fraud)

The Grand Jury charges:

1. From at least in or about 2013 up to and including in or about May 2019, in the Southern District of New York and elsewhere, GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did

take and receive therefrom, such matters and things, and did knowingly cause to be delivered by mail and such carriers, according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, to wit, MALHOTRA, SINGH, and PAL, and others known and unknown, purported to provide computer repair services to victims located throughout the United States and in connection therewith the defendants and their coconspirators conveyed false and misleading information to their victims to extract payment for such computer repair services, which was often paid by check that was delivered by a private and commercial interstate carrier of mail.

(Title 18, United States Code, Sections 1349.)

COUNT TWO

(Conspiracy to Access a Protected Computer in Furtherance of Fraud)

The Grand Jury further charges:

2. From at least in or about 2013 up to and including in or about May 2019, in the Southern District of New York and elsewhere, GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1030(a)(4).

3. It was a part and an object of the conspiracy that GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, and others known and unknown, did knowingly and with intent to defraud access a protected computer without authorization and exceed their authorized access and by means of such conduct did further the intended fraud and obtain something of value.

Overt Act

4. In furtherance of said conspiracy and to effect its illegal object, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about November 20, 2018, GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, and others known and unknown, caused an individual's computer to malfunction so that the individual would call a particular phone number and be induced to purchase fraudulent computer repair services.

(Title 18, United States Code, Section 371.)

COUNT THREE

(Aggravated Identity Theft)

5. From at least in or about 2013 up to and including in or about May 2019, in the Southern District of New York and elsewhere, GUNJIT MALHOTRA and GURJEET SINGH, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, MALHTORA and SINGH

possessed, used, and transferred the personal identification information of another person in connection with the mail fraud conspiracy charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2.)

FORFEITURE ALLEGATION

6. As a result of committing the offense alleged in Count One of this Indictment GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

7. As a result of committing the offense alleged in Count Two of this Indictment GUNJIT MALHOTRA, GURJEET SINGH, and JAS PAL, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i), any and all property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of said offense, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of said offense, including but not limited to a sum of money in

United States currency representing the amount of proceeds traceable to the commission of said offense.

SUBSTITUTE ASSET PROVISION

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

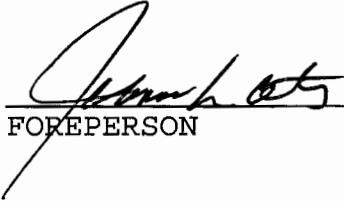
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

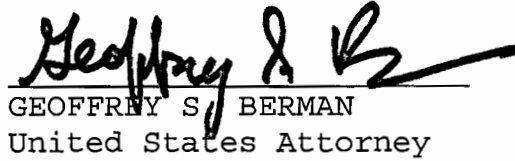
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any

other property of the defendant up to the value of the
forfeitable property described above.

(Title 18, United States Code, Sections 981, 1030;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. §§ 371, 1028A(a)(1),
1028A(b), 1349, and 2.)

GEOFFREY S. BERMAN
United States Attorney


Foreperson

6/4/19

Filed indictment
case assigned to Judge Carter

USMJ Gorenstein

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