URUKIKO RWISUMBUYE RWA NYARUGENGE RURI I NYARUGENGE RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO KU RWEGO RWA MBERE RUHAKIRIJE URUBANZA RC 00664/2016/TGI/NYGE NONE KUWA 28/2/2017 KU BURYO BUKURIKIRA :

HABURANA:

UREGA : UWASEKURU Jean Bernard, mwene NTIRIVAMUNDA Bernard na NTAWIRINDA Speciose**,** wavutse 1982, utuye mu mudugudu wa Nunga, akagari ka Nunga, umurenge wa Gahanga, akarere ka Kicukiro, Umujyi wa Kigali, tel 250788442404, ID: 1198280032290003ahagarariwe na Me NDASHEJA Ruton Sonia.

UREGWA: SUMWIZA Denyse, utuye mu mudugudu wa Burumba, akagari ka Barija, umurenge wa Nyagatare, akarere ka Nyagatare, Intara y'Iburasirazuba, ID: 1197770010911118.

IKIREGERWA Gutegeka ko habaho Mutation ku nzu yaguzwe hagati ya SUMWIZA Denyse na UWASEKURU Jean Bernard.

I. IMITERERE Y'URUBANZA

[1] **UWASEKURU Jean Bernard** uhagarariwe na Me NDASHEJA Ruton Sonia avuga ko yaguze inzu na SUMWIZA Denyse akamwishyura amafaranga yose bumvikanye angana na miliyoni eshatu(3.000.000Frw), akaba ataramukoreye *mutation* ahubwo agakomeza kumurerega, bigatuma aregera urukiko. Urubanza rwaburanishijwe uregwa atitabye ariko yaramenyeshejwe mu buryo bukurikije amategeko. Urega avuga ko nyuma yo kugura inzu, batangiye ibyo guhinduza ariko bigeze hagati SUMWIZA Denyse arabura, urega amwandikira ibaruwa amwihanangiriza nabwo ntiyagira icyo abikoraho bituma aregera urukiko asaba ko uwo mutungo wamwandikwaho, SUMWIZA Denyse agategekwa kumuha indishyi z'akababaro zingana na 3.000.000Frw, kumusubiza amafaranga ibihumbi magana atandatu yatanze yishyura avoka , ikurikirana rubanza rya 200.000Frw ndetse agasubizwa n'igarama.

Ibibazo bigomba gusuzumwa akaba ari ukumenya icyo amategeko ateganya ku muburanyi wahamagawe ntiyitabe urukiko, kumenya niba umutungo wanditswe kuri 804/KIC/GAH ubaruwe kuri SUMWIZA Denyse ukwiye kumwandukurwaho ukandikwa kuri UWASEKURU Jean Bernard, indishyi zisabwa niba zifite ishingiro.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

1. Kumenya icyo amategeko ateganya ku muburanyi wahamagawe ntiyitabe urukikiko

[2] **UWASEKURU Jean Bernard** uhagarariwe na Me NDASHEJA Ruton Sonia avuga ko yaguze inzu na SUMWIZA Denyse akamwishyura amafaranga nyose bumvikanye angana na miliyoni eshatu, akaba ataramukoreye mutation ahubwo agakomeza kumurerega

bigatuma aregera urukiko. Urubanza rwaburanishijwe uregwa atitabye ariko yaramenyeshejwe mu buryo bukurikije amategeko, urega asaba ko urubanza rwaburanisha adahari kuko yatumijwe no mu nama ntegura rubanza nabwo ntiyitaba, urukiko rukaba rwarabimwemereye rushingiye ku ngingo ya 59 y'Itegeko n° y'itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi...''*Iyo mu iburanisha rya mbere uregwa atitabye nta mpamvu, urega ashobora gusaba ko urubanza rwimurirwa ku yindi tariki cyangwa se gusaba ko ruburanishwa uregwa adahari. Muri icyo gihe hasuzumwa imyanzuro y'urega kandi ikirego cye kikakirwa, kigahabwa ishingiro iyo gifite ireme kandi cyaratanzwe mu buryo no mu nzira bikurikije amategeko,*''n'ibiteganywa n'ingingo ya 13 y'amabwiriza n° 002/2015 yo kuwa 18/5/2015 ya Perezida w'Urukiko rw'Ikirenga agenga imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi , iteganya ko *umuburanyi utitabye inama ntegurarubanza kandi yari yayimenyeshejwe mu buryo bukurikije amategeko, inama ntegurarubanza ikaba adahari, nta rindi hamagara yohererezwa ryerekeranye n'igihe cy'urubanza mu mizi ruzabera*.

2. Kumenya niba *umutungo wanditswe kuri numero 804/KIC/GAH wabaruwe kuri SUMWIZA Denyse ukwiye kumwandukurwaho ukandikwa kuri UWASEKURU Jean Bernard*

[3] UWASEKURU Jean Bernard wahagarariwe na Me NDASHEJA Ruton Sonia asaba urukiko ko yakwandikwaho umutungo w'inzu ibaruye mu kibanza gifite numero 804/KIC/GAH yaguze na SUMWIZA Denyse ariko akaba yarakomeje kumurerega ntibakore ihinduranya mutungo kugirango umwandikweho, akaba yarabanje kwandika ibaruwa isaba ko uwo mutungo wamwandikwaho ariko igihe UWASEKURU Jean Bernard amaze kwishyura akamubura, agakomeza kugenda amurerega, akaba yaranagiye amwohererezа amatike kugirango aze bahinduze, ariko undi ntabikore, akamwandikira amwihanangiriza, nabwo ntabikore bigatuma aregera urukiko asaba kwandikwaho uwo mutungo.

[4] Urukiko rukaba rusanga kuba hari amasezerano y'ubugure yo kuwa 9/10/2011 yabaye hagati ya UWASEKURU Jean Bernard na SUMWIZA Denyse bagura iyo nzu, no kuba hari ibaruwa uwagurishije yandikiye ibiro by'ubutaka asaba ko uwo mutungo wakwandikwa kuri UWASEKURU Jean Bernard kuko yawuguze, akaba kandi afite ibyangombwa by'ubutaka bigaragaza ko uwo mutungo wari uwa SUMWIZA Denyse avuga ko ari we wabimuhaye akamuha n'uwo mutungo, rusanga bihagije ngo awandikweho kuko agaragaza ibimenyetso by'uko yawuguze, hakurikijwe ibiteganywa mu ngingo ya 3 y'Itegeko n° 15/2004/ ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko "*buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana* » n'ibiteganywa n'ingingo ya 9 al 1 y'itegeko n°21/2012 ryo kuwa 14/06/202 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko: "*Urega agomba kugaragaza ibimenyetso by'ibyo aregera…".*Ibimenyetso ashingiraho bikaba bihagije mu kugaragaza ko umutungo asaba kwandikwaho awutunze kuko yawuguze, ukaba ugomba kumwandikwaho.

2. Kubyerekeye indishyi

[5] UWASEKURU Jean Bernard wahagarariwe na Me NDASHEJA Ruton Sonia asaba urukiko ko SUMWIZA Denyse yategekwa kumuha indishyi z'akababaro zingana na 3.000.000Frw zo kuba atarabonetse ngo bahinduze uwo mutungo umwandikweho hakaba hashize igihe kirenga imyaka itanu, kumusubiza amafaranga ibihumbi magana atandatu

yatanze yishyura avoka wamuhagarariye mu rubanza, ikurikirana rubanza rya 200.000Frw ndetse agasubizwa n'igarama.

[6] Urukiko rukaba rusanga nta kigaragaza ko kutandikwaho uyu mutungo byaturutse kuri SUMWIZA Denyse, kuko ntaho bigaragara ko yamunanije nk'uko abivuga, harebwe ko bakimara kugura inzu kuwa 9/10/2011 yahise yandikira inzego zibishinzwe asaba ko iyo nzu yakwandikwa kuri UWASEKURU Jean Bernard mu ibaruwa yandikiye umuyobozi w'ikigo gishinzwe iby'ubutaka kuwa 17/10/2011 amusaba ko uwo mutungo wamwadukurwaho ukajya ku wawuguze, kuba rero bitarakozwe, ntaho urukiko rubona ko ari amakosa y'uwagurishije cyane ko urega yemera ko yahise ahabwa inzu yaguze n'ibyangombwa byayo, indishyi asaba zikaba nta shingiro zifite kuko inyandiko yo kwihanangiriza yerekana, urukiko rusanga nta kigaragaza ko yageze kuri SUMWIZA Denyse uretse ko banditse ko yanze kuyisinyaho, igihe cyashize badahinduza rukaba ntaho rwahera rwemeza ko ari amakosa ye kuko yari yatangiye iyo nzira nk'uko biri mu ibaruwa yavuzwe haruguru. Rubona ariko kuba urega yaratanze igarama ngo yandikweho uwo mutungo, SUMWIZA Denyse akwiye kumusubiza ayo mafaranga kuko byashoboraga gukorwa atari gutanga ikirego ngo atange ayo mafaranga.

III.ICYEMEZO CY'URUKIKO

[7] Rwemeje ko umutungo w'inzu uri mu kibanza kibaruye kuri UPI 1/03/01/05/804 uri mu mudugudu wa Nunga II, akagari ka Nunga, Umurenge wa Gahanga, akarere ka Kicukiro, Umujyi wa Kigali ubaruwe kuri SUMWIZA Denyse umwadukurwaho ukandikwa kuri UWASEKURU Jean Bernard.

[8] Rutegetse ko amafaranga ibihumbi mirongo itanu (50.000Frws) UWASEKURU Jean Bernard yatanzeho ingwate y'amagarama arega, aherera ku Isanduku ya Leta, SUMWIZA Denyse akayamusubiza mu gihe cy'iminsi umunani.

RUKIJIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 28/2/2017

UMUCAMANZA	**UMWANDITSI**
NYIRANSAGUYE Athanasie	**NDATIMANA Narcisse**
(sé)	(sé)

Byandukuwe nk'uko biri ku cyemezo cy'umwimerere

None kuwa……..

N'umwanditsi……..