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INYANDIKO Y'UMUHESHA W'INKIKO W'UMWUGA IMENYESHA KAKIRA LUGERERO Georges na MULASHI KABALA ABABURANYI BATITABYE URUKIKO KANDI BABARIZWA AHATAZWI IMIKIRIZE Y'URUBANZA/ICYEMEZO CY'URUKIKO MU RUBANZA RCA 00034/2024/HC/MUS CYAFASHWE N'URUKIKO RUKURU RURI I MUSANZE kuwa 24/03/2025(Art 45,46,241 CPCCSA)

Umwaka wa **2026**, Umunsi wa **06** w'Ukwezi kw'Ukwakira ;
Mbisabwe na HAKIZIMANA Isidore na MANIRAGUHA Patience ;

Njyewe **Me MUNYAKARAGWE Aline M**, Umuhesha w'Inkiko w'Umwuga ufite icyicaro mu Muji wa Kigali ;

Nshingiye , ku ngingo ya **48** n'ya **49** z'Itegeko **No 12/2013** ryo kuwa **22/03/2013** rigenga umurimo w'Abahesha b'Inkiko ;

Nshingiye ku Itegeko **N° 025/2021** ryo kuwa **12/05/2021** rihindura kandi ryuzuzwa Itegeko **N° 22/2018** ryo kuwa **29/04/2018**, ryerekeye Imiburanishirize y'Imanza z'imbonezamubano, , iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu cyane cyane mu ngingo zaryo za **45, 46 na 241** ;

Nshingiye ku **RCA 00034/2024/HC/MUS** cyafashwe n'Urukiko Rukuru ruri i Musanze kuwa **24/03/2025** **KAKIRA LUGERERO Georges na MULASHI KABALA** batitabye, kandi bakaba babarizwa ahatazwi, aho Urukiko rwafashe icyemezo giteye gitya :

- **Rwemeje ko urubanza RC 00092/2022/TGI/RBVU rwaciwe n'Urukiko Rwisumbuye rwa Rubavu kuwa 12/04/2024 ruhindutse.**
- **Rutegetse ko HAKIZIMANA Isidore na MANIRAGUHA Patience bandikwaho Pariseri ifite UPI: 3/03/04/02/745 buri mu Mugugudu w'UBUTABERA, Akagari ka BUGOYI, Umurenge wa GISENYI, Akarere ka RUBAVU , Intara y' IBURENGERAZUBA kuko bayiguze**

Menyesheje **KAKIRA LUGERERO Georges na MULASHI KABALA** , babarizwa ahatazwi, imikirize/icyemezo cy'Urukiko mu rubanza **RCA 00034/2024/HC/MUS** cyafashwe n'Urukiko Rukuru ruri i Musanze kuwa **24/03/2025** .

Iyi nyandiko ndetse na kopi y'Urubanza **RCA 00034/2024/HC/MUS** mbitangaje ku **Nkiko Zizumbuye** zose uko ari **12** zibarizwa mu Rwanda ndetse no mu kinyamakuru cyandika cyo mu Rwanda.

Mugire amahoro

Me MUNYAKARAGWE Aline M.
Umuhesha w'Inkiko w'Umwuga



URUKIKO RUKURU, URUGEREKO RWA MUSANZE, RURI KU CYICARO CYARWO, RUHABURANISHIRIZA IMANZA MBONEZAMUBANO KU RWEGO RW'UBUJURIRE RUKIJIJE URUBANZA RCA 00034/2024/HC/MUS MU BURYO BUKURIKIRA:

HABURANA

ABAJURIYE:

HAKIZIMANA Isidore mwene BARIYANGA Anasthasena MUKABASORE Laurence utuye mu mudugudu wa Kiyovu, Akagari ka Kanyefurwe, Umurenge wa Nyakiriba, Akarereka Rubavu, Intaray'Iburengerazuba, Rwanda, Tel: +250788510509, ID: 1198480089238046, ahagarariwe na Me NAMBAJIMANA Jean Baptiste.

MANIRAGUHA Patience utuyemumudugudu waKiyovu, AkagarikaKanyefurwe, Umurenge waNyakiriba, Akarereka Rubavu, Intara y'Iburengerazuba, Rwanda, yashakanyena HAKIZIMANA Isidore, Tel: +250788559458, ahagarariwe na Me NAMBAJIMANA Jean Baptiste.



REPUBLIQUE DU RWANDA

Au nom du Peuple Rwandais

ABAREGWA:

KAKIRA LUGERERO Georges utuye mu Mudugudu w'Ubutabera, Akagari ka Bugoyi, Umurenge wa Gisenyi, Akarereka Rubavu, Intaray'Iburengerazuba, Rwanda, abarizwa ahatazwi.

MULASHI KABALA Julienne utuye mu Mudugudu w'Ubutabera, Akagari ka Bugoyi, Umurenge wa Gisenyi, Akarereka Rubavu, Intara y'Iburengerazuba, Rwanda, yashakanyena KAKIRA LUGERERO Georges, abarizwa ahatazwi.

IKIREGERWA: Kujuririra urubanza RC 00092/2022/TGI/RBV (Gusaba ko amasezerano y'ubugure yubahirizwa, umutungo UPI:3/03/04/02/745 ukaba uw' uwawuguze ariwe HAKIZIMANA Isidore na MANIRAGUHA Patience).



I. IMITERERE Y'URUBANZA

1. Kuwa 03/08/2020 HAKIZIMANA Isidore n'umugore we MANIRAGUHA Patience bagiranye amasezerano y'ubugure bw'umutungo utimukanwa ubaruye kuri UPI:3/03/04/02/745 na MULASHI KABALA Julienne na KAKIRA LUGERERO Georges,

bumvikana miliyoni mirongoitatu (30.000.000Frw), bahita bishyura amafaranga miliyoni makumyabiri n'ibyeri (22.000.000 Frw) bumvikana ko andi asigaye 8.000.000 frw azishyurwa kuwa 19/09/2020, bakabona gukora ihinduzamutungo (mutation).

2. MULASHI KABALA Julienne na KAKIRA LUGERERO Georges bamaze gufata 22.000.000frw bahise bagenda, umutungo usigaramo HAKIZIMANA Isidore n'umugore we MANIRAGUHA Patience ariko utabanditse kandi bamaze kubishyura 8 000 000Frw zari zisigaye ngo babasabye kuza gukora mutation bababwira ko umutungo ari uwabo ariko ntibaza kubahinduriza ntibanongera no kubabonaho bituma biyambaza urukiko ngo rutegeke ko bawandikwaho.
3. Urukiko Rwisumbuye rwasanze abaregwa MULASHI KABALA Julienne n'umugabo we KAKIRA LUGERERO Georges babarizwa ahatazwi bahamagarwa muburyo bukurikije amategako, ntibitaba baburanishijwe badahari.
4. Urukiko rwakiriye ikirego cyatanze na HAKIZIMANA Isidore n'umugore we MANIRAGUHA Patience rugisuzumye rusanga ntashingiro gifite, kubera ko mumafaranga bari basigayemo hari hasigaye 300.000frw batarishyura, Rwemeza ko abarega ntandishyi bakwiye guhabwa, runatega ko amagarama yatanze na HAKIZIMANA Isidore ahwanye ni byakozwe murukiko.
5. HAKIZIMANA Isidore n'umugore we MANIRAGUHA Patience ntibishimiye icyo icyemezo bajuririra Urukiko Rukuru Urugereko rwa Musanze, barusaba gusuzuma niba umutungo UPI:3/03/04/02/745 utakwandikwa kubawuguze no kumenya niba hari indishyi bahabwa muri uru rubanza.
6. Ikirego cyakiriwe mu Rukiko Rukuru Urugereko rwa Musanze cyandikwa kuri RCA 00034/2023/HC/MUS, abaturanyi bahamagarwa ahatazwi mu namantegururubanza, ariko ntibitaba, urubanza ruhabwa itariki yo kuburanishwa. Abarega bitaba bahagarariwe na Me NAMBAJIMANA Jean Baptiste, hasuzumwa ikibazo cyo kumenya niba umutungo UPI:3/03/04/02/745 wakwandikwa kubawuguze no kumenya niba hari indishyi zigomba gutangwa muri uru rubanza.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

A. Kumenya niba umutungo UPI:3/03/04/02/745 wakwandikwa kubawuguze

7. Mu gusobanura impamvu z'ubujurire HAKIZIMANA Isidore n'umugore we baburanyirwa na Me NAMBAJIMANA Jean Baptiste bavugaga bavugaga ko kuwa 03/08/2020 baguze



LUGERERO GEORGES, kuri miliyoni 30.000.000 Frw bahita bishyura amafaranga miliyoni 22.000.000 Frw bumvikana ko andi asigaye 8.000.000 frw azishyurwa bakora mutation, ariko kugeza ubu hari hasigaye 300.000 FRW kuko yishyuye kuwa 17/12/2024, aya nayo akaba yaramaze kwishyurwa ariko ntibakorerwe mutation kubera ko bataboneka. Avuga ko mu rubanza RC 00092/2022/TGI/RBV, umucamanza mu gufata icyemezo yategetse ko nta hererekanya ryabaho ngo kuko amafaranga yose atarishyurwa kuko hari hasigaye aya 300.000frw. asaba rero ko uru rukiko rwatega iherekanya kuko yose yamaze kwishyurwa.

8. Asaba ko hakwifashishwa murungo watanze n'urukiko rw'ikirenga mu rubanza RS/REV/INJUST/CIV0004/15/CS, aho rwatega ko umutungo wandikwa kubawuguze nubwo bari basigayemo amafaranga make ugereranyije n'ikiguzi cyumvikanyweho.
9. KAKIRA LUGERERO Georges n'umugore we ntabwo bireguye kuko babarizwa ahatazwi.

UKO URUKIKO RUBIBONA

10. Ingingo ya 154 a3 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko Ntibubujijwe ariko mu rwego rw'ubujurire gutanga ibisobanuro bishya cyangwa ibimenyetso bishya bigamije kumvikanisha kurushaho ibyari byaraburanishijwe mu rwego rwa mbere. Ingingo ya 4 y'Itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko Urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba.
11. Urukiko rurasanga icyo HAKIZIMANA Isidore n'umugore we MANIRAGUHA Patience baburanirwa na Me NAMBAJIMANA Jean Baptiste banenga ku mikirize y'urubanza rwajuririwe, aruko rwabangiye gutegeka kwandikwaho umutungo nk'uko bababaga kubera ko batari bakarangije kwishyura amafaranga yose yasigaye bagura nk'uko babisezeranye mu masezerano bagura kuwa 03/8/2020 aho rwasobanuye ko hasigaye 300.000frw kuri 8.000.000frw yari yasigaye.
12. Urukiko rurasanga nk'uko Me NAMBAJIMANA Jean Baptiste abivugaga, kuwa 17/12/2024, imbere ya Notaire TWAGIRIMANA Vincent wanabafashije mu bugure bwabo, uyu KAKIRA LUGERERO GEORGES yarakiriyemo amafaranga ibihumbi 300.000frw varasigaye. asobanura ko impamvu batahise bakora mutation aruko atazanywe.



n'umugore we, asaba urukiko Rukuru kwemeza ko pariseli ibaruye kuri UPI:3/03/04/02/745 ibandikwaho.

13. Urukiko rurasanga kugeza uyu munsu ntawuhakana ko ubu bugure butabayeho, no kuba KAKIRA LUGERERO GEORGES yaraje gufata amafaranga ibihumbi 300.000frw yasigaye akomoka k'ubugure bwa pariseli ifite UPI:3/03/04/02/745 nk'uko bigaragara kunyandiko yo kuwa 17/12/2024 aruko yemera ko baguze, iki kimenyetso kikaba kigaragza ko nta mwenda abaguze basigayemo abagurishije kandi kikaba kikaba kigomba kwakirwa kinashingirwaho muri uru rubanza kuri uru rwego nk'uko biteganywa mu ngingo ya 154 yavuzwe haruguru.
14. Urukiko rurasanga kuwa 17/12/2024 ubwo hishyuragwa amafaranga 300.000frw yari yasigaye igituma ihererekanya ritarabaye aruko KAKIRA LUGERERO GEORGES yaje atarikumwe n'umugore we basangiye umutungo bagurishije, kuba rero nta mpaka ziri k'ubugure nta mpamvu n'imwe ihari yatuma HAKIZIMANA Isidore na MANIRAGUHA Patience baguze batandikwaho pariseli baguze, kuko nta makimbirane agaragara yabibuza.
15. Kubera impamvu zimaze gusobanurwa, ubujurire bwa HAKIZIMANA Isidore na MANIRAGUHA Patience bufite ishingiro, akaba akwiye kwandikwaho pariseli ifite UPI:3/03/04/02/745 buri mu Mudugudu wa wa UBUTABERA, Akagari ka BUGOYI, Umurenge wa GISENYI, Akarere ka RUBAVU, Intara y'Iburengerazuba, kuko bagaragaza ibimenyetso bihagije byemeza ko babuguze na MULASHI KABALA JULIENNE na KAKIRA LUGERERO GEORGES.

B. Kumenya niba hari indishyi zigomba gutangwa muri uru rubanza.

16. HAKIZIMANA Isidore n'umugore we bavugako basaba urukiko gutegeka abaregwa kwishyura indishyi zingana na 3.000.000 FRW agizwe n'indishyi z'akababaro 2.000.000 FRW n'igihembo cya Avoka 1.000.000 FRW.
17. KAKIRA LUGERERO Georges n'umugore we ntabwo bireguye babarizwa ahatazwi.

UKO URUKIKO RUBIBONA

18. Urukiko rurasanga nta ndishyi izarizo zose zatangwa muri uru rubanza kubera ko HAKIZIMANA Isidore n'umugore we basigaye nabo hafite uruhare mu gutuma uru



rubanza rubaho kubera ko iyo bishyura amafaranga yose uko ari 8.000.000frw igihe bari bumvikanye baba barahise bakorerwa ihererekanya uru rubanza rutabaye. Hashingiwe ku ihame ry'uko ntawushobora gushingira ku makosa ye ngo agire icyo asaba (*Nemo auditur propriam suam turpitudinem allegans* ¹) indishyi basaba zikaba nta shingiro zifite.

III. ICYEMEZO CY'URUKIKO

19. Rwemeje ko ubujurire bwa HAKIZIMANA Isidore na MANIRAGUHA Patience bufite ishingiro kuri bimwe.
20. Rwemeje ko urubanza RC 00092/2022/TGI/RBV rwaciwe n'Urukiko Rwisumbuye rwa Rubavu kuwa 12/04/2024 ruhindutse.
21. Rwemeje ko nta ndishyi zitangwa muri uru rubanza.
22. Rutegetse ko HAKIZIMANA Isidore na MANIRAGUHA Patience bandikwaho pariseli ifite UPI:3/03/04/02/745 buri mu Mudugudu wa wa UBUTABERA, Akagari ka BUGOYI, Umurenge wa GISENYI, Akarere ka RUBAVU, Intara y'Iburengerazuba kuko bayiguze.

RUKIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 24/3/2025.

(Sé)

NDAGIJIMANA Mathias

UMUCAMANZA

(Sé)

MUSHAMBOKAZI Claire

UMWANDITSI

*Copie Certifiée Conforme à l'original,
Dont acte, le Greffier KANYONI R. Janyu*



¹ Nul ne peut se prévaloir de sa propre turpitude / negligence