Re NYIRABUGINGO

[Rwanda URUKIKO RW'IKIRENGA – RS/INTERT/RCOM 00001/2019/SC (Nyirinkwaya, P.J., Rukundakuvuga na Hitiyaremye, J.) 20 Ukuboza 2019]

Amategeko agenga imanza z'ubucuruzi – Entreprise – Iyo umuntu afite entreprise ku giti cye, niwe ugomba kwishyura ibyategetswe iyo entreprise.

Incamake y'ikibazo: Nyirabugingo yaburanye na Etablissement Mironko Plastic Industries, urukiko rutegeka kumwishyura 7.000.000 frw. Mu gihe cyo kurangiza urubanza, yasanze icyari Etablissment cyarahinduwemo sosiyete bituma agorwa no kwishurwa kuko yavuaga ko mu mazina ya Etablissement yatongewemo amazina na Mironko F. Xavier.

Ni kuri iyo mpamvu yatanze ikirego asobanuza urubanza yatsinzemo Etablissement Mironko Plastic Indusrties kugira ngo abashe kumenya ugomba kumwishyura cyane ko Mironko F. Xavier yari atangiye kuyobya uburari kugira ngo atazishyurwa.

Incamake y'icyemezo: Nta kibazo cyagakwiriye kuvuka mu irangizarubanza ku mpamvu y'uko izina rya nyiri Etablissement ritashyizwe mu cyemezo cy'urukiko kuko Etablissements aba ari *entreprise* y'umuntu ku giti cye. Bikaba byumvikana ko nta wundi waryozwa ibyategetswe Etablissements usibye nyirayo igihe urubanza rwacibwaga.

Ikirego nta shingiro gifite.
Nta kitumvikana mu rubanza rwasabiwe gusobanurwa.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Mu rubanza n°RCOMA 0116/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 08/02/2013, Etablissements Mironko Plastic Industries mw'izina ry'uyihagarariye, yategetswe guha Nyirabugingo Isabelle 7.000.000 Frw, akubiyemo 6.300.000 Frw y'ingurane y'imifuka 700 y'umunyu na 700.000 Frw y'igihembo cya Avoka n'ikurikiranarubanza.

[2] Ku wa 25/07/2019, Nyirabugingo Isabelle yatanze ikirego kigamije gusobanura urwo rubanza, avuga ko bagiye kururangiza haba ikibazo kirebana no kubura uhagarariye Etablissements Mironko Plastic Industries wamwishyura amafaranga Urukiko rwategetse kuko muri urwo rubanza urukiko rutavuze izina ry'uyihagariye, ko ikirego yagitanze kugira ngo hemezwe izina ry'ugomba kumuha ibyo yatsindiye, ariwe Mironko F. Xavier wari uyihagarariye.

[3] Urubanza rwaburanishijwe mu Nama y'Abacamanza ku wa 06/11/2019, isomwa ry'urubanza rishyirwa ku wa 13/12/2019. Ikibazo cyasuzumwe ni ukumenya niba urubanza n°RCOMA 0116/11/CS rukeneye gusobanurwa, hongerwa mu cyemezo cyarwo izina rya Mironko F. Xavier.

II. IKIBAZO KIGIZE URUBANZA N’ISESENGURWA RYACYO

- **Kumenya niba mu rubanza n° RCOMA 0116/11/CS, amazina ya Mironko F. Xavier agomba kongerwamo**

[4] Nyirabugingo Isabelle avuga ko atanga ikirego yari yareze Etablissements Mironko Plastic Industries, mu izina ry’uyihagarariye, Umuyobozi mukuru wayo ari Mironko F. Xavier, akaba asaba ko ayo mazina ye yakongerwa muri urwo rubanza kugirango urangiza urubanza abone uwo yishyuza bidateye urujijo.

[5] Avuga kandi ko mu rwego rwo kuyobya uburari no kwigomeka ku byemezo by’Inkiko, agamije guhisha imitungo ngo atishyura, Mironko F. Xavier yafashe Etablissements Mironko Plastic Industries yari abereye Umuyobozi ayihindura Mironko Plastic Industries Ltd nayo abereye umuyobozi.

UKO URUKIKO RUBIBONA

[6] Mu rubanza n° RCOMA 0116/11/CS rusabirwa gusobanurwa, bigaragara ko uwarezwe yari Etablissements Mironko Plastic Industries mu izina ry’uyihagarariye, aba ari nayo itegekwa kwishyura 7.000.000 Frw, akubiyemo 6.300.000 Frw y’ingurane y’imifuka 700 y’umunyu na 700.000 Frw y‘igihembo cy‘ Avoka n’ikurikiranarubanza.

[7] Urukiko rurasanga ariko nta kibazo cyagakwiriye kuvuka mu irangizarubanza ku mpamvu y’uko izina rya Mironko F. Xavier ritashyizwe mu cyemezo cyarwo kuko Etablissements Mironko Plastic Industries yari *entreprise* ye ku giti cye, ari nayo mpamvu mu nyandiko ze ziri muri dosiye yasinyaga nka P*roprietaire president des Entreprises Mironko*, bikaba byumvikana ko nta wundi waryozwa ibyategetswe Etablissements Mironko Plastic Industries usibye uwari nyirayo igihe urubanza rwacibwaga.

[8] Urukiko rurasanga kandi kuba Etablissements Mironko Plastic Industries yarahindutse sosiyete ikaba Mironko Plastic Industries Ltd, bidakuraho inshingano Mironko F. Xavier afite yo kwishyura imyenda *entreprise* ye ku giti cye yari ibereyemo abandi mu gihe yari akiyibereye P*roprietaire president*.

[9] Urukiko rurasanga rero nta kitumvikana gikeneye gusobanurwa mu rubanza n°RCOMA 0116/11/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 08/02/2013, ahubwo umuhesha w’inkiko agomba guhuza ibyategetswe n’urukiko n’ibiteganywa n’amategeko ku birebana n’ugomba kurangirizwaho urubanza.

III. ICYEMEZOCY’URUKIKO:

[10] Rwemeje ko ikirego cyatanzwe na Nyirabugingo Isabelle nta shingiro gifite;

[11] Rwemeje ko nta kitumvikana gikeneye gusobanurwa mu rubanza n°RCOMA 0116/11/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 08/02/2013, ko imikirize yarwo igomba kuguma uko iri.